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**TWENTY-SECOND ANNUAL REPORT**

**1866**

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**OF THE**

**EXECUTIVE COMMITTEE**

**OF THE**

**PRISON ASSOCIATION OF NEW YORK.**

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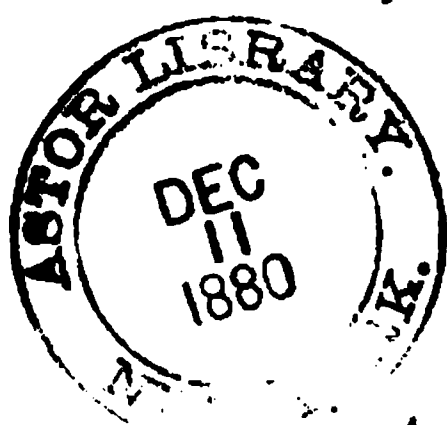
**TRANSMITTED TO THE LEGISLATURE JANUARY 29, 1867.**

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**ALBANY:**

**C. VAN BENTHUYSEN & SONS, PRINTERS.**

**1867.**



3170

# State of New York.

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No. 38.

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## IN ASSEMBLY.

January 29, 1867.

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### TWENTY-SECOND ANNUAL REPORT OF THE EXECUTIVE COMMITTEE OF THE PRISON ASSOCIATION OF NEW YORK.

Hon. E. L. PITTS,

*Speaker of the Assembly:*

SIR—I have the honor to submit to the Legislature, through you, as required by its charter of incorporation, the Twenty-second Annual Report of the Prison Association of New York.

E. C. WINES, *Cor. Sec'y.*

OFFICE OF THE PRISON ASSOCIATION, 38 BIBLE HOUSE, }  
NEW YORK, January 28th, 1867. }





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**CHARTER AND CONSTITUTION**  
**OF THE**  
**PRISON ASSOCIATION OF NEW YORK.**

---

**AN ACT TO INCORPORATE THE PRISON ASSOCIATION  
OF NEW YORK, PASSED MAY 9, 1846, BY A TWO-  
THIRD VOTE.**

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

§ 1. All such persons as now are or hereafter shall become members to the said association pursuant to the constitution thereof, shall and are hereby constituted a body corporate by the name of The Prison Association of New York, and by that name have the powers that, by the third title of the eighteenth chapter of the first part of the Revised Statutes, are declared to belong to every corporation; and shall be capable of purchasing, holding and conveying any estate, real or personal, for the use of said corporation: Provided, that such real estate shall never exceed the yearly value of ten thousand dollars, nor be applied to any other purpose than those for which this corporation is formed.

§ 2. The estate and concerns of said corporation shall be managed and conducted by its executive committee, in conformity to the constitution of the said corporation; and the following articles that now form the constitution of the association shall continue to be the fundamental laws and constitution thereof, subject to alteration in the mode therein prescribed.

**ARTICLE I.**

The objects of the association shall be—

*1. The amelioration of the condition of prisoners, whether detained for trial, or finally convicted, or as witnesses.*

2. The improvement of prison discipline, and the government of prisons, whether for cities, counties or states.

3. The support and encouragement of reformed convicts after their discharge, by affording them the means of obtaining an honest livelihood, and sustaining them in their efforts at reform.

## ARTICLE II.

The officers of the society shall be a president, vice-presidents, a recording secretary, a corresponding secretary and a treasurer, and there shall be the following standing committees, viz.: a finance committee, a committee on detention, a committee on discipline, a committee on discharged convicts and an executive committee. The number of the executive committee shall consist of not more than thirty-five, of whom not more than ten shall be officers of the society, and not more than twenty-five shall be persons other than officers.

## ARTICLE III.

The officers named in the preceding article shall be *ex-officio* members of the executive committee, who shall choose one of their number to be chairman thereof.

## ARTICLE IV.

The executive committee shall meet once in each month, and keep regular minutes of their proceedings. They shall have a general superintendence and direction of the affairs of the society, and shall annually report to the society all their proceedings, and such other matters as shall be likely to advance the ends of the association.

## ARTICLE V.

The society shall meet annually in the city of New York, at such time and place as the executive committee shall appoint, and at such other times as the president, or in his absence, one of the vice-presidents shall designate.

## ARTICLE VI.

Any person contributing annually to the funds of the association not less than five dollars, shall, owing to such contribution, be a member thereof. A contribution of five hundred dollars shall constitute a *life patron*; a contribution of one hundred dollars shall constitute an *honorary member* of the association for life.

and a contribution of fifty dollars shall constitute a member of the association for life. Honorary and corresponding members may from time to time be appointed by the executive committee.

#### ARTICLE VII.

A female department shall be formed, consisting of such females as shall be selected by the executive committee, who shall have charge of the interest and welfare of prisoners of their sex, under such regulations as the executive committee shall adopt.

#### ARTICLE VIII.

The officers of the association shall be chosen annually at the annual meeting, at which time such persons may be elected honorary members as shall have rendered essential service to the cause of prison discipline.

#### ARTICLE IX.

Any society having the same objects in view may become auxiliary to this association by contributing to its funds and co-operating with it.

#### ARTICLE X.

The executive committee shall have power to add to any of the standing committees such persons as, in their opinion, may be likely to promote the objects of the society; and shall have power to fill any vacancy which may occur in any of the offices of the association, intermediate the annual meetings.

#### ARTICLE XI.

This constitution may be amended by a vote of the majority of the society, at any meeting thereof, provided notice of the amendment has been given at the next preceding meeting.

The officers elected for the current year under the constitution shall continue to be the officers thereof until others shall be duly chosen in their places.

And it is hereby further enacted, that no manager of said society shall receive any compensation for his services.

§ 3. The said executive committee shall have power to establish a workhouse in the county of New York, and in their discretion to receive and take into the said workhouse all such persons as *shall* be taken up and committed as vagrants or disorderly persons, in said city, as the court of general sessions of the peace, or

the court of special sessions, or the court of oyer and terminer, in said county, or any police magistrate, or the commissioner of the almshouse, may deem proper objects; and the said executive committee shall have the same powers to keep, detain, employ and govern the said persons as are now by law conferred on the keepers of the bridewell or penitentiary in said city.

§ 4. The said executive committee may, from time to time, make by-laws, ordinances and regulations relative to the management and disposition of the estate and concerns of said association, and the management, government, instruction, discipline and employment of the persons so as aforesaid committed to the said workhouse, not contrary to law, as they may deem proper; and may appoint such officers, agents and servants as they may deem necessary to transact the business of the said association, and may designate their duties. And the said executive committee shall make an annual report to the Legislature, and to the corporation of the city of New York, of the number of persons received by them into the said workhouse, the disposition which shall be made of them by instructing or employing them therein, the receipts and expenditures of said executive committee, and generally all such facts and particulars as may exhibit the operations of the said association.

§ 5. The said executive committee shall have power, during the minority of any of the persons so committed to the said workhouse, to bind out the said persons, so being minors as aforesaid, as apprentices or servants, with their consent, during their minority, to such persons and at such places, to learn such proper trades and employments as, in their judgment, will be most conducive to the reformation and amendment and future benefit and advantage of such persons.

§ 6. The said executive committee, by such committees as they shall from time to time appoint, shall have power, and it shall be their duty, to visit, inspect and examine all the prisons in the State and annually report to the Legislature their state and condition, and all such other things in regard to them as may enable the Legislature to perfect their government and discipline. And, to enable them to execute the powers and perform the duties hereby granted and imposed, they shall possess all the powers and authority that, by the twenty-fourth section of title first, chapter third, part fourth of the Revised Statutes, are vested in the *inspectors of county prisons*; and the duties of the keepers of each



prison that they may examine shall be the same in relation to them as in the section aforesaid are imposed on the keepers of such prisons in relation to the inspectors thereof. *Provided*, That no such examination or inspection of any prison shall be made until an order for that purpose, to be granted by the chancellor of this State, or one of the judges of the supreme court, or by a vice-chancellor or circuit judge, or by the first judge of the county in which the prison to be examined shall be situate, shall first have been had and obtained, which order shall specify the name of the prison to be examined, the names of the persons members of the said association by whom the examination is to be made, and the time within which the same must be concluded.

STATE OF NEW YORK, }  
IN SENATE, *May, 8th*, 1846. }

This bill, having been read the third time, two-thirds of all the members elected to the Senate voting in favor thereof,

*Resolved*, That the bill do pass.

By order of the Senate,

A. GARDINER, *President*.

STATE OF NEW YORK, }  
IN ASSEMBLY, *April 24th*, 1846. }

This bill, having been read the third time, and two-thirds of all the members elected to the Assembly voting in favor thereof,

*Resolved*, That the bill do pass.

By order of the Assembly,

WM. C. CRAIN, *Speaker*.

Approved this 9th day of May, 1846, SILAS WRIGHT.

STATE OF NEW YORK, }  
SECRETARY'S OFFICE. }

I have compared the preceding with an original law on file in this office, and do certify that the same is a correct transcript therefrom and of the whole of said original.

In testimony whereof, I have hereunto affixed the seal of this office at the city of Albany, the fifteenth day of May, in the year of our Lord one thousand eight hundred and forty-six.

ARCH'D CAMPELL,

*Deputy Secretary of State*.

REVISED STATUTES, *Part IV., Chap. 3, Title 1.*

§ 24. It shall be the duty of the keepers of each of the said prisons to admit the said inspectors, or any one of them, into every

part of such prison; to exhibit to them, on demand, all the books, papers, documents and accounts pertaining to the prison or to the detention of the persons confined therein, and to render them every other facility in their power to enable them to discharge the duties above described. And, for the purpose of obtaining the necessary information to enable them to make such report as is above required, the said inspectors shall have power to examine, on oath, to be administered by either of the said inspectors, any of the officers of the said prisons, and to converse with any of the prisoners confined therein, without the presence of the keepers thereof or any of them.

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## BY-LAWS OF THE PRISON ASSOCIATION OF NEW YORK.

I. There shall be a stated meeting of the executive committee on the fourth Wednesday of each month, and special meetings shall be held on the requisition of the chairman or any three members of the executive committee. The call for a special meeting shall, in all cases, state the business to be transacted at said meeting.

II. At every meeting of the executive committee, five members shall be necessary to constitute a quorum.

III. The order of business at every stated meeting shall be as follows:

1. The reading and approval of the minutes of the last preceeding meeting.

2. Report of the treasurer.

3. Reports from standing committees.

4. Report from the corresponding secretary.

5. Reports from special committees.

6. Report from the general agent.

7. Miscellaneous business.

At a special meeting, no other business shall be transacted than that for which the said meeting was called.

IV. The chairman shall appoint all special committees; and no person nominated by him shall be excused, unless upon reasons satisfactory to the meeting.

V. The chairman shall decide all questions of order, subject to an appeal; and the rules of order shall be those embodied in Cushing's Manual, so far as they are applicable.

VI. There shall be four standing committees, namely: a committee on finance, a committee on detentions, a committee on discharged convicts and a committee on prison discipline.

VII. It shall be the duty of the finance committee:

1. To devise ways and means for obtaining the funds necessary to carry on the work of the association; and they may, at their discretion, employ an agent to collect the requisite funds.

2. To audit all bills against the association; and no bill shall be paid by the treasurer unless approved by the committee and countersigned by the chairman.

3. To audit and report upon the treasurer's accounts annually.

4. To invest and control the surplus moneys of the association, under the authority of the executive committee.

VIII. It shall be the duty of the committee on detentions:

1. To inquire, as far as may be practicable or necessary, into the causes of commitment of persons in the prisons or houses of detention in the cities of New York and Brooklyn, and to adopt proper measures for procuring the discharge, or providing for the defense of such as shall appear to be entitled thereto.

2. To visit frequently the prisons under their charge, and to endeavor to improve both the physical and moral condition of the prisoners in all suitable and practicable ways.

IX. It shall be the duty of the committee on discharged convicts:

1. To correspond with prison agents or superintendents relative to the character and trades of prisoners, and to ascertain, previous to the discharge of each prisoner, his feelings, views and capabilities, with a view to making the best arrangements for his future employment.

2. To keep a record of all persons who will employ discharged prisoners, and of their several occupations; to procure such employment for prisoners applying therefor as seems best adapted to the capacity of each; to hold correspondence with employers; to keep a record of the conduct and prospects of those for whom places have been obtained, that they may be sustained and encouraged with the idea that a continued friendly interest is felt for them.

3. To procure suitable boarding places for discharged prisoners, where they will not be exposed to corrupting influences—taking care not to have more than one in a place, where it can be avoided.

4. To see that the prisoners are provided with suitable clothing, *of a kind that will not attract particular attention.*

X. It shall be the duty of the committee on prison discipline:

To give attention to the internal organization and management of prisons, embracing the physical and moral influences to be exerted on the prisoners during their confinement. This duty shall be comprised under the following heads: health, reformation, convict labor, administration and internal police, comparison of different prison systems, visitation of prisons and houses of reformation, and the whole subject of criminal law and penal justice.

XI. One or more agents may be appointed by the executive committee to assist the standing committees in the performance of their duties.

XII. The recording secretary of the association shall be the secretary of the executive committee; and it shall be his duty to keep the minutes of the proceedings of said committee, to record them in a book provided for the purpose and to give due notice of all meetings of the committee.

XIII. The corresponding secretary shall conduct the correspondence of the executive committee and of each of the standing committees when required; shall act as the general financial agent of the association, and shall report at each stated meeting of the committee.

XIV. The treasurer shall receive and safely keep all moneys belonging to the association; shall pay over the same as directed by the finance committee; shall report at each stated meeting of the executive committee, and shall give such security for the faithful discharge of his duty as that committee shall require.

XV. The president, chairman of the executive committee and corresponding secretary shall be members, *ex-officio*, of all the standing committees.

XVI. No alteration shall be made in these by-laws except upon notice of the proposed amendment given at a previous meeting of the executive committee.

## TWENTY-SECOND ANNUAL REPORT OF THE EXECUTIVE COMMITTEE.

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The Executive Committee of the Prison Association of New York, grateful to Divine Providence for the measure of success accorded to its labors, submits to the Legislature the annual statement of its operations required by law.

### OBJECTS.

The Prison Association is an institution chartered by the State, with ample powers of benevolent action in behalf of the guilty and the unfortunate.

Numbers of friendless persons are arrested in our large cities, whose cases call for the interposition of some kind hand to save them either from a career of crime or from needless and unmerited suffering. They are, in part, persons who have been arrested through mistake and without just cause, and, in part, young transgressors, who have committed a first offence against the laws, into which, it is more than probable, they have been led by the force of sudden temptation, or from defective early training, or from the artificial structure and usages of society. To all such the society extends sympathy and aid, according to the exigencies of their several cases.

Then again, there are, happily, not a few, who having served out their terms of sentence and been released from prison, desire to forsake their evil ways, and return to a life of industry and virtue. To these, also, the Association furnishes needful assistance by providing them with tools to commence business for themselves, by obtaining situations for them where they can eat the bread of honest toil, by paying their fare to friends or employers at a distance, and by procuring board for them in virtuous and respectable families, till such time as permanent provision can be made for them.

Moreover, prisons themselves need reforming as well as their inmates. Prison discipline is a problem which still awaits solution. Notwithstanding the great advances made since Howard's time, the world is yet in its infancy on this whole subject of the treatment and disposal of criminals. The improvement of prisons and prison discipline forms another branch of the society's work, in virtue of which it is made the inspector general of prisons throughout the State.

The above are the three main functions of the Prison Association, as declared by its charter, and they constitute three distinct departments in its benevolent labors, viz.: 1. To visit and aid, as there may be occasion, persons arrested on a charge of crime, and held for trial or examination—detention department. 2. To encourage and assist released prisoners, who have reformed or desire to reform—discharged convict department. 3. To suggest modifications in prisons and prison systems—prison discipline department.

#### DETENTION AND DISCHARGED CONVICTS' DEPARTMENTS.

The Association employs a general agent, Mr. Abraham Beal, who, in aid of the standing committees on detentions and discharged convicts, devotes his labors to the first two departments named in the preceding paragraph, with occasional visits to the three State prisons, to the institutions on Blackwell's and Randall's Island, and to the county penitentiaries. The agent visits frequently all the detention prisons in New York and Brooklyn; inquires into cases that need special attention; imparts suitable counsels and exhortations; calls often upon the families of the imprisoned, with a view to mitigate and relieve their suffering; examines complaints; sees complainants and gets them to withdraw their accusations, where they are without foundation, or where the interests both of justice and humanity would be better served by such withdrawal; attends constantly upon the criminal courts of both cities; hastens up cases that seem to require immediate trial; procures counsel for prisoners, who have neither friends nor money to obtain such service for themselves; inquires into the antecedents of persons on trial, at the instance of the judges; procures necessary witnesses; obtains the discharge without trial of prisoners, who are manifestly innocent; adjusts numerous difficulties, *originating in mistake, passion, drink, or some frivolous cause, many of which would otherwise grow to formidable pro-*

portions ; very frequently heals family differences and reconciles hostile parties by his wise and timely interpositions ; receives prisoners on their discharge ; furnishes needful clothing to the deserving ; procures temporary board for such as require it ; obtains situations for them ; purchases tickets or gets free passes for those who desire to return to their friends at a distance, or go to work in the country ; and performs other offices innumerable of kindness and philanthropy to the fallen and the unfortunate, for whose benefit this Association was organized. The details of the agent's work will be learned from his own report published elsewhere ; but some idea of its extent, nature and importance may be formed from the following summary of his labors during the past year : 6,100 persons have been visited in our various detention prisons, who were poor, friendless, and in need of advice and counsel ; 953 complaints have been carefully examined by him ; 303 complaints were withdrawn on his advice, as being frivolous, or founded in mistake, passion or prejudice ; 280 prisoners were discharged from custody on his recommendation, who were either innocent, or very young, or clearly penitent and resolved to " sin no more ;" 1,407 liberated prisoners were aided with board or money ; 175 discharged convicts were provided with work and situations ; and 193 were supplied with clothing to a less or greater extent. This gives a total of 8,411 prisoners aided in some way and to some extent by the Prison Association, within the past year. Numbers of these individuals and their friends, have expressed the warmest gratitude for the assistance rendered ; and from not a few of those for whom work has been provided, letters of a hopeful and cheering character have been received.

#### RESULTS OF TWENTY-TWO YEARS' LABORS.

The general results of the labors of twenty-two years may be thus summed up and stated:

78,664 persons visited in prison.

22,881 complaints examined.

6,233 complaints withdrawn.

6,970 prisoners discharged from custody.

12,881 released prisoners aided with board, clothing, tools or money.

3,677 discharged convicts provided with situations.

Giving a grand total of 130,108 cases in which relief—moral, material, or both—has been extended to persons who, justly or



unjustly, have been subjected to criminal arrest, prosecution or imprisonment. But besides this, assistance, more or less extensive, has been afforded to thousands connected with the families of the prisoners so relieved.

#### COMMUTATION TO UNITED STATES PRISONERS.

The laws of the State of New York, as an incentive to industry and obedience on the part of persons confined in her penal institutions, grant to such persons, when their conduct is unexceptionable, a certain deduction, called commutation, from their terms of sentence. In the discharge of their duty of inspecting the various prisons of the State, the Prison Association became aware of the fact that a large number of United States prisoners, about 500 we believe, are confined in these institutions, and that a good deal of dissatisfaction is felt by them in consequence of being denied the advantage of the commutation law, which they daily see extended to the prisoners of the State. In November last, a convict in Sing Sing, by the name of John W. Andrews, addressed a letter to the Hon. Samuel G. Courtney, United States Attorney for the Southern District of New York, in which he claimed to be entitled to the benefit of the commutation act, and asked the interposition of that officer in his behalf. Mr. Courtney brought the subject before the Prison Association through Dr. John H. Griscom, one of its vice-presidents, and suggested that an appeal should be made to the Executive of the United States for the exercise of his prerogative of clemency, not simply in the case of Andrews, but of all others in like circumstances. A memorial to the President was prepared in accordance with the suggestion of the District Attorney, and Messrs. Griscom and Edmonds were appointed commissioners to present the same to his Excellency, and ask his favorable action thereupon. This duty was discharged by the first named of the commissioners, and President Johnson promptly and cordially acceded to the prayer of the Association, and at once issued an order in accordance therewith. This order was immediately communicated by the chairman of the Executive Committee to the wardens and superintendents of all the prisons of this State, in which United States prisoners are undergoing their terms of sentence by the civil and military courts of the Union.

But the duty of the commissioners was not limited to the action above specified; they were also instructed to endeavor to procure the passage of a law by Congress, granting to United States



prisoners confined in the prisons of any of the States that have commutation laws, the same reduction of sentence for good conduct which is allowed to prisoners convicted in the courts of those States. A bill to this effect was drawn by the Hon. William F. Allen, late a justice of the supreme court of the State, and now a member of this board, which bill was submitted by the commissioners to the Hon. Ira Harris, a Senator from this State, and by him subsequently offered in the Senate of the United States. There is, we understand, no reason to doubt that the bill will be enacted into a law during the present session of Congress.

The several papers relating to this subject will be found printed elsewhere as a part of the present report.

#### LOCAL COMMITTEES.

The policy of local committees at the several county seats to watch over the moral and religious interests of the prisoners and to labor for the erection of new jails where needed, and the improvement of old ones in other localities, was inaugurated some two or three years ago. Committees were appointed in about two thirds of the counties; but in a majority of the counties, this work was hastily, and therefore imperfectly done. In some cases, the gentlemen composing the committees were not even seen; and in most, no proper explanation and understanding were had as to the nature and extent of the duties expected of them, nor was there always a perfectly cordial consent to the service yielded by the persons who undertook it. Considering the manner in which the committees were, for the most part created, quite as much has been accomplished through their instrumentality as could be reasonably expected. Enough at least has been done to show that this is an agency, which, if wisely organized and supervised, could be made to yield fruits most important and beneficent. It would be well worth while to devote considerable time another year, to the proper and effective organization of this department of co-operative labor.

Last year we received reports from eighteen of these local committees; this year only twelve have been sent in. They are inserted in their proper place, which renders unnecessary here any detailed abstract of their contents. Some of these reports will be found highly interesting, particularly those from the counties of Wayne, Ulster and Erie. The committees of these counties and of some others are active and efficient, and make their influence felt as a

power for good in their respective prisons. That at Buffalo still holds the place of honor, both in respect to the breadth of its operations and the activity of its members. During the year just closed, this committee has conducted the religious services of the penitentiary on the first Sabbath of each month, and one of its members, Mr. J. S. Fosdick, aided usually by one or more of his associates, has visited the jail every Sunday throughout the year, distributing suitable reading matter to the prisoners, conversing with, and exhorting them, and otherwise seeking to promote their moral and religious welfare. His labors are thought to have been attended with very beneficial results. During the ensuing year, the committee, by an arrangement with the board of supervisors of Erie county, will take the entire charge of the religious services at the penitentiary, on condition of receiving the \$200 heretofore paid to a chaplain, to be expended in the purchase of religious reading for the inmates of the jail and penitentiary. On the suggestion of these gentlemen, this board has appointed a committee of ladies, resident in Buffalo, to be associated with them in establishing a home or refuge for released female prisoners, the necessity for which the committee say they have deeply felt from the very commencement of their labors. The ladies are diligently engaged in preliminary work, and we hope soon to learn that their new institution has gone into successful operation.

We briefly restate the duties desired and expected of these local committees. They are:

1. To care for the moral and religious interests of the inmates of the jails.
2. To hold, weekly, or procure to be held, a brief religious service therein.
3. To converse individually with the prisoners, imparting such instruction, counsel and encouragement to each as may seem necessary.
4. To procure and distribute among the prisoners suitable religious reading.
5. To see that each room in the jails is supplied with a bible.
6. To procure, through the liberality of the citizens, moderate libraries for the use of the prisoners.
7. To give special encouragement and help to prisoners who appear desirous of reforming their lives, and particularly to aid them in procuring work, by which they may earn the bread of honest industry.

8. To seek the erection of new jails wherever they are needed.
9. To give such aid to prisoners on their trial, especially those whom they have reason to think innocent, as circumstances may permit.
10. To prepare and submit to the Executive Committee an annual report of their doings.

#### REPORT ON ENGLISH AND IRISH PRISONS.

A member of the Executive Board, Mr. Gaylord B. Hubbell, who formerly held the position of agent and warden of Sing Sing prison, having occasion, in the early part of this year, to visit England on private business, was requested by the board to see as many of the prisons of England and Ireland as his time would permit. To this request he gave a ready assent, and devoted, altogether, some two or three weeks to the business. He has embodied the results of his observations in a report, which will be printed in another place as a part of the present document. This report will be found to contain information as interesting and instructive, as it will be novel to the bulk of American readers, particularly that part which relates to the now celebrated Irish system of convict prisons, and which presents the details of that system with all the freshness that belongs to statements which are the result of personal observation.

#### REPORT OF DELEGATES TO MEETING OF SOCIAL SCIENCE ASSOCIATION.

The formation of an American Association for the Promotion of Social Science, on the model of that which has existed for some eight or ten years in Great Britain, and whose annual transactions, made up of essays and discussions on all the great problems belonging to the progress of man in society, form a series of volumes which have made themselves felt as a power for good throughout the civilized world, was noticed in our last report, and the society thus inaugurated was welcomed as likely to prove an efficient coadjutor in the work of prison reform. Even at this early stage of the society's life and labors, unmistakable indications have been given that this expectation will not be disappointed. The society has put its harness on and gone to work. A special meeting was held in Boston in the fall of 1865, at which a number of valuable papers were offered. In the spring of 1866, a conference of the conductors and friends of juvenile reformatories was also convened at Boston under its auspices, at which instructive essays were read, and earnest discussions were had on questions connected with that

most important and promising department in the great field of labor, which has for its object the repression and prevention of crime. On the invitation of the society, this Board was represented at the conference, Dr. John H. Griscom being our representative. In October last, the first annual meeting of the association was held in New Haven, Connecticut. Our board was again represented in the persons of Messrs. Hubbell and Wines. The meeting was one of great interest, and elicited many able addresses, both written and oral. Several papers were submitted, having direct reference to our own work—prison discipline and prison reform. The commissioners made an extended report upon the doings of the meeting, which will be found in another part of this document.

#### COMMISSION TO EXAMINE PRISONS BY SWORN TESTIMONY.

At its last session, the Legislature passed the following joint resolution:

*Resolved*, That (if the Senate concur) the Executive Committee of the Prison Association of New York, in addition to the power now possessed by them of examining on oath, all prison officers in actual service, be authorized to appoint a commission of their own members, with authority to invite any former prison officers of this State and any officers now or heretofore connected with prisons in other States to appear before them, and to examine said persons, on their oath or affirmation, on all matters of fact and opinion, whereon they may think proper to examine them, touching the management of our prisons and the general subject of prison discipline and government.

In accordance with the terms of the above resolution, a commission was appointed to take the testimony of present and former prison officers, both in our own and other States on the subjects specified therein. Immediately on being informed of the joint action of our Legislature, the Massachusetts Board of State Charities, of its own motion, adopted a resolution expressing their sense of the great importance of the proposed investigation, and instructing their chairman, Dr. S. G. Howe, and their secretary, F. B. Sanborn, Esq., to appear before the commission, if desired, and answer any questions that might be proposed to them. The president of the Social Science Association, also, in his opening address at the annual meeting in October last, not only referred in terms of warm commendation to the general labors of the Prison

Association, but made special reference to the examination in progress by sworn testimony, under the authority of the joint resolution cited above, as being of the highest importance in itself, and as likely to prove of very great value in the work of prison reform.

The commissioners examined a large number of witnesses in our own State, including ex-prison officers as well as those in actual service. Only four gentlemen from other States were invited to give testimony, viz., Messrs. Howe and Sanborn, of the Massachusetts Board of State Charities, the Hon. Gideon Haynes, warden of the State prison at Charlestown, Mass., and John Halloway, Esq., warden of the Eastern Penitentiary, Penn. That Dr. Howe did not testify, is the fault of the commissioners, who failed to meet him on the day appointed, at the Albany penitentiary, where his examination was to be conducted. Mr. Halloway, much to the regret of the Commissioners of the Association, was unable to appear before them from the pressure of other duties, and a consequent want of time for the purpose. Messrs. Haynes and Sanborn were fully examined, and their testimony, made up in great part of opinions on important points connected with the general subject of prison discipline, will be found to possess a very high value, as they are both gentlemen of great intelligence and of wide observation and large experience on the matters in reference to which their judgment is rendered.

As regards the evidence of officers and ex-officers resident in the State of New York, while it covers a wide range of topics, going more or less into detail on each, the bulk of it relates to the influence of party politics and what is known as the contract system of convict labor on the government, administration, and reformatory power of our prisons. If this evidence, as summed up by the commissioners, and spread *in extenso* before the public, as it will be by the publication of the minutes as a part of the present report, does not cause these two abominations—for they can be regarded as nothing less—to totter to their fall, it will be either because no credit is given to the testimony and opinion of men most competent, from long experience and observation, to form a correct judgment as to their operation and effect, or because the community will not read what is published upon the subject, however weighty and startling it may be, or because the people are indifferent to the gravest abuses in one of the most important departments of the public administration.

## STATE PRISONS AND PENITENTIARIES.

The same gentlemen who were appointed commissioners to take testimony under the authority conferred by the joint resolution before recited, were also designated, for economy both of time and expense, a committee to visit the State prisons and county penitentiaries. That duty was, in like manner, fully discharged by them, not less than four weeks having been devoted to this service. It is proper at this point, and, at the same time, due to truth and courtesy, to state that they were materially aided in their capacity both of a commission and a committee, by Mr. Sanborn, of the Massachusetts Board of State Charities, who accompanied them during a considerable portion of their tour of inspection. Their report, published further on in this document, will fully set forth the result of their examinations. It will be seen that extensive and most important improvements have been made or are in progress, in the penitentiaries of the counties of Erie, Onondaga and Albany. No material change has been made in the State prisons, except that the contract system has been abolished in Clinton prison, and the labor of the convicts is now managed by the prison authorities. Very remarkable results, in a financial point of view, have followed this modification of the labor system of that institution. Clinton prison, instead of being, as heretofore, a drain upon the State treasury to the amount of some \$30,000 or more annually, has actually become, in the very first full year of its new labor system, a source of revenue to the State, the income having exceeded the expenditures to the amount of nearly \$3,000; and it is the belief of the gentlemen composing the board of inspectors, that this surplus can be increased, under the present industrial system, to an amount varying from \$60,000 to \$100,000 a year. But a still more striking fact is, that, with considerably less than half the average number of convicts, the earnings of Clinton prison, during the year ending September 30th, 1866, have exceeded those of Sing Sing by about \$70,000. Could anything more clearly show the enormous profits that go into the pockets of contractors, as the result of a system that gives them the labor of our convicts at less than half its worth,—to the great detriment, too, of the discipline of the prisons, and the almost total obstruction of all reformatory influences? Another fact, stated in the paper submitted by this committee to the Executive Board, is worth repeating here; indeed, we consider it our duty to give to it the *greater prominence* it will receive from having a place



in this general report. The very day on which the committee reached Auburn, a certain number of convicts had been let to a contractor at fifty-five cents a day,—the best terms the inspectors could get for their labor. Within three hours after the papers had been executed, this contractor did not blush to boast to a prominent officer of the prison that he had obtained at fifty-five cents men worth to him three dollars a day, and for whose labor, if hired outside, he would be obliged to pay that amount.

### JAIL RETURNS.

A bill relating to the returns of common jails, and designed to secure the permanent record of full statistics of the same, and their regular transmission by the jail authorities for insertion in our annual reports, was prepared last winter by a committee of this Board, and introduced into the Senate by the Hon. A. D. White. On the suggestion of the chairman of the Judiciary Committee, to whom the bill was referred, it was incorporated into an act, proposed by the Honorable Secretary of State, amendatory of an act in relation to the returns of criminal statistics by the several courts of the State, to which a section was appended, authorizing the Secretary to avail himself of the aid of the Prison Association, in carrying into effect the provisions of the act, so far as they related to the statistics of common jails. It was the understanding of the Association, and certainly its expectation in assenting to the amalgamation proposed, that the whole business relative to the jail returns would be passed over to its care and supervision. That this would have been perfectly legal under the terms of the act was the opinion of eminent lawyers, who are members of the Executive Committee of the Association. The Secretary of State, however, took a different view, and felt that he was bound to retain the business in his own office. This interpretation and the action based upon it defeated the intention of the Association, and left it just where it was before. It is understood that the Secretary avers that the provisions of the act relating to jail returns have given him infinite trouble, and that he will seek to have said provisions repealed at the approaching session of the Legislature. Should this be done, it will become a question for the determination of the Association whether they will seek to have the same trust confided by law directly to their hands. Such statistics as may have been collected through the *machinery of the law* during the past year, and are to be found in

the Secretary of State's office, will be presented in their proper place in tabular form.

## REPORT ON THE PRISONS AND REFORMATORIES OF THE UNITED STATES AND CANADA.

The commissioners appointed in 1865, to visit prisons in other States, were unable to complete their report in time for publication, as was expected and announced in the annual report submitted to the Legislature last year. This inability resulted from the fact that they were also appointed on the commission to take testimony in 1866, and were consequently obliged to devote the time to that work which should have been given to the other. The paper embodying the results of their inquiries in 1865, will be presented to the Legislature as soon as it convenes and is organized, under the title of a Special Report on the Prisons and Reformatories of the United States and Canada.

### DISPOSITION OF MR. SEARLE'S PAPER ON INSANITY AND CRIME.

In our report of last year it was announced that an essay on the relations of insanity to crime, by Geo. W. Searle, Esq., of Boston, one of our corresponding members, having been received too late for publication in that document, would be published in the report of this year. The said paper was referred for examination to a special committee consisting of Messrs. Edmonds and Dwight. The committee reported that they regarded the paper submitted to them, as a valuable document, displaying great industry and learning, and a clear understanding of the subject. But in view of the unsettled condition of the question involved, and of the conflict which exists between the medical and legal professions on the subject, and indeed between learned members of the latter profession who occupy positions upon the bench, they deem it unwise for the Association, in the present state of the question, to publish anything in regard to it. In this judgment, the learned author of the paper is understood fully and cordially to concur.

### KINDNESS OF THE NEW YORK PRESS.

The Executive Committee feels much indebted to the press of the State for its friendly co-operation in our work. From fifty to a hundred of the newspapers published in the city and various counties, have regularly inserted in their columns brief reports of our monthly proceedings. Essential aid has thus been rendered



to the good cause in which we feel ourselves to be engaged, for which our thanks are due, and cordially given to their conductors.

#### LETTERS FROM CORRESPONDING MEMBERS.

Valuable letters have been received from our venerable, learned and most philanthropic corresponding member, the Hon. Matthew Davenport Hill, late Recorder of Birmingham, England, and his brother, Frederick Hill, Esq., of London, also a corresponding member, from which extracts will be found printed elsewhere.

#### FINANCES.

The finances of the Association are fully set forth in the annual report of the treasurer.

#### RELIGIOUS READING FOR PRISONERS.

Mr. Z. Stiles Ely has continued to supply, throughout the past, as in several preceding years, the prisons of the State with all the copies of the American Messenger needed for the use of the prisoners. This is a kindness highly appreciated by the subjects of it. The Messenger is very generally read by the prisoners, and there can be no doubt that much good is done through this instrumentality. It is earnestly hoped that Mr. Ely will continue this useful benefaction. The American Tract Society has furnished a very considerable amount of its publications for a like use, and these also are much prized and read. The American Bible Society has, in like manner, supplied a goodly number of Bibles and Testaments to the various prisons of the State, and has instructed its agents to give special attention to the needs of these institutions, particularly the county jails. For this considerate kindness on the part of Mr. Ely and the two societies named, the thanks of the Association are due and cordially given.

All of which is respectfully submitted to the Legislature.

JOHN DAVID WOLFE, *President Prison Ass.*

THEODORE W. DWIGHT, *Chairman Ex. Com.*

E. C. WINES, *Corresponding Secretary.*

OFFICE OF THE PRISON ASSOCIATION OF NEW YORK, }  
38 BIBLE HOUSE, NEW YORK, Dec. 31st, 1866. }

# Documents accompanying the report of the Executive Committee.

## ANNUAL REPORT OF THE TREASURER.

*The Prison Association of New York in account with William  
C. Gilman, Treasurer.*

|       |  |            |
|-------|--|------------|
| 1866. | Dr.  |            |
| Dec.  | To cash paid for expenses incurred in visiting<br>and inspecting prisons and jails and for<br>salaries ..... | \$7,933 57 |
|       | Relief of discharged prisoners .....   | 2,048 12   |
|       | Rent (less rent received) .....  | 728 00     |
|       | Fuel, stationery, postage and incidental<br>office expenses .....  | 662 48     |
|       | Library .....  | 106 04     |
|       | Printing, expenses of public meeting and<br>annual report .....  | 389 64     |

|          |                                       |                    |
|----------|---------------------------------------|--------------------|
| 1867.    |                                       |                    |
| Jan. 22. | Balance on hand, to new account ..... | 520 30             |
|          |                                       | <u>\$12,388 15</u> |

|       |   |                    |
|-------|---|--------------------|
| 1866. | Cr.   |                    |
| Jan.  | By balance on hand from old account .....                 | \$1,031 04         |
|       | Donations received during the year .....                  | 5,283 00           |
|       | Appropriation from State Legislature .....                | 3,000 00           |
|       | Interest .....  | 541 11             |
|       | Amount of loans returned by discharged<br>prisoners ..... | 33 00              |
|       | Certificate of deposit with U. S. Treasurer, .....        | 2,500 00           |
|       |   | <u>\$12,388 15</u> |

|          |                                   |          |
|----------|-----------------------------------|----------|
| 1867.    |                                   |          |
| Jan. 22. | By balance from old account ..... | \$520 30 |

WM. C. GILMAN,  
Treasurer.

*NEW YORK, January 22, 1867.*

# DONATIONS TO THE PRISON ASSOCIATION OF NEW YORK, 1866.

|                                |      |
|--------------------------------|------|
| Abeel, J. H. ....              | \$25 |
| Adams, J. T. ....              | 5    |
| Alsop, J. W. ....              | 10   |
| Archer, George B. ....         | 100  |
| Archibald, E. M. ....          | 5    |
| Arnold, Constable & Co. ....   | 10   |
| Aspinwall, Wm. H. ....         | 100  |
| Astor, W. W. ....              | 25   |
| Bell, Isaac ....               | 25   |
| Blanco, B. ....                | 15   |
| Boker, H. & Co. ....           | 15   |
| Booth, Wm. A. ....             | 25   |
| Booth, Wm. T. ....             | 100  |
| Bowne, Robert ....             | 5    |
| Brainerd, Cephas H. ....       | 10   |
| Brown, James ....              | 100  |
| Brown, James M. ....           | 25   |
| Brown, Stewart ....            | 25   |
| Bull, H. K. ....               | 50   |
| Butler, Wm. Allen. ....        | 10   |
| Caldwell & Morris, ....        | 100  |
| Cambreleng, S. ....            | 5    |
| Carter, Robert. ....           | 20   |
| Carey, Wm. F. ....             | 25   |
| Caswell, Jno. ....             | 25   |
| Clark, H. ....                 | 15   |
| Clarke, B. G. ....             | 50   |
| Coffin, Edmund. ....           | 25   |
| Collins, L. B. ....            | 10   |
| Cooper, Edward ....            | 100  |
| Corning, H. K. ....            | 100  |
| Corning, Erastus. ....         | 50   |
| Cruikshank, James. ....        | 5    |
| Dennistoun & Co., ....         | 25   |
| Dillon, Robert. ....           | 10   |
| Dodge, Wm. E. ....             | 100  |
| Dodge, Wm. E. jr., ....        | 25   |
| Doubleday, J. M. ....          | 5    |
| <i>Duncan, Wm. Butler</i> .... | 100  |

PRISON ASSOCIATION OF NEW YORK.

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|   |      |
|---|------|
| Eddy, Lucy H.....                         | \$25 |
| Evarts, Wm. M.....                        | 10   |
| French Consul General.....                | 5    |
| Gerard, James W.....                      | 25   |
| Gilman, Wm. C. ....                       | 50   |
| Gilman, Winthrop S. ....                  | 50   |
| Graves, R. R. & Co.,.....                 | 10   |
| Harper & Co.,.....                        | 5    |
| Hart, Charles B. ....                     | 5    |
| Hay, Allan.....                           | 10   |
| Hegeman, Wm. ....                         | 10   |
| Hendricks Brothers, .....                 | 10   |
| Hoadley, D. ....                          | 50   |
| Hoe, R. & Co.,.....                       | 10   |
| Howland, Joseph.....                      | 50   |
| Hunt, Wilson G. ....                      | 5    |
| Hunter, James .....                       | 20   |
| Irvin, Richard .....                      | 20   |
| Iselin, A.....                            | 10   |
| Janeway, Wm. R. ....                      | 15   |
| Jesup, Morris K.....                      | 50   |
| Johnston, John Taylor .....               | 100  |
| Jones, Edward.....                        | 25   |
| Jones, W. R. T.....                       | 5    |
| Lake & McCreery .....                     | 10   |
| Lenox, James.....                         | 200  |
| Lenox, the Misses .....                   | 100  |
| Lorillard, Peter.....                     | 50   |
| Low, A. A. & Brothers, .....              | 50   |
| Ludlum, Nicholas .....                    | 25   |
| Marsh, James.....                         | 5    |
| Mercantile Mutual Insurance Company,..... | 25   |
| Messinger, T. & H. ....                   | 10   |
| Metropolitan Insurance Company,.....      | 25   |
| Middleton, T. D. ....                     | 10   |
| Milhau, J. ....                           | 5    |
| Moore, Wm. H. H.....                      | 25   |
| Morgan, Henry T.....                      | 25   |
| Morgan, Henry .....                       | 10   |
| Morse, S. F. B. ....                      | 20   |

|                                 |  |
|---------------------------------|--|
| Mott, Wm. F. ....               |  |
| Wm. F. Mott, Jr. ....           |  |
| Munn, O. D. ....                |  |
| Murray Fund ....                |  |
| Naylor & Co. ....               |  |
| Norrie, Adam ....               |  |
| Oelrichs & Co. ....             |  |
| Olcott, Thos. W. ....           |  |
| Olyphant, David ....            |  |
| Oothout, Wm. ....               |  |
| Opdyke, George ....             |  |
| Pacific Mutual Ins. Co. ....    |  |
| Palanca, R. ....                |  |
| Parsons, Jno. E. ....           |  |
| Passavant, & Co. ....           |  |
| Patton, & Co. ....              |  |
| Pavenstedt & Co. ....           |  |
| Perkins, L. ....                |  |
| Perkins, Dennis & Co. ....      |  |
| Phelps, John D. ....            |  |
| Pierson & Co. ....              |  |
| Poppenhusen & Koenig ....       |  |
| Post, W. ....                   |  |
| Powers, Thos. G. ....           |  |
| Prosser, Thos. & Son ....       |  |
| Rhineland, W. C. ....           |  |
| Richards, Guy ....              |  |
| Rodewald, A. ....               |  |
| Roosevelt, C. V. S. ....        |  |
| Rusch, A. & Co. ....            |  |
| Ryder, E. T. ....               |  |
| Sackett, Adam T. ....           |  |
| Sampson, Jos. ....              |  |
| Schieffelin, Henry M. ....      |  |
| Schieffelin, James L. ....      |  |
| Schieffelin, S. B. ....         |  |
| Schuyler, J. Rutson ....        |  |
| Sheafe, Mr. and Mrs. J. F. .... |  |
| Shipman, C. H. ....             |  |
| Skidmore, S. T. ....            |  |
| Smith, U. J. ....               |  |
| Solomon, B. L. & Son, ....      |  |

PRISON ASSOCIATION OF NEW YORK.

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|                                       |     |
|---------------------------------------|-----|
| Spencer, Mrs. C. L.                   | 100 |
| Stamford Manufacturing Co.            | 10  |
| Stokes, James                         | 100 |
| Stoughton, E. W.                      | 5   |
| Stuart, R. L.                         | 100 |
| Sturges, Jonathan                     | 100 |
| Sun Mutual Ins. Co.                   | 50  |
| Swan, O. D.                           | 20  |
| Talbot, Chas. N.                      | 25  |
| Tappan, Nelson J.                     | 10  |
| Tapscott, Brothers & Co.              | 5   |
| Terbell, H. S.                        | 50  |
| Terry, Jno. T.                        | 25  |
| Titus, Jas. H.                        | 10  |
| Tousey, Sinclair                      | 25  |
| Tracy, Wm.                            | 5   |
| Trimball, George T.                   | 20  |
| Tucker, Wm.                           | 5   |
| Van Duzer, A. S.                      | 10  |
| Vietor, F. & Achelis                  | 5   |
| Vose, Jno. G.                         | 25  |
| Usher, Selden                         | 10  |
| Walsh, A. R.                          | 10  |
| Wales, Salem H.                       | 50  |
| Wallace, Miss Isabella                | 10  |
| Ward, Geo. C.                         | 100 |
| Weston & Gray                         | 100 |
| Wetmore, Samuel                       | 25  |
| Wiggins, Augustus                     | 10  |
| Willets, Samuel                       | 100 |
| Williston, Samuel                     | 20  |
| Wilson, J. C.                         | 5   |
| Wines, E. C.                          | 10  |
| Wolfe, John David                     | 200 |
| Woolsey, E. J.                        | 50  |
| Young, Henry                          | 25  |
| A. Friend, (Bible House)              | 10  |
| R. H., (through A. Beal)              | 20  |
| Discharged Convict, (through A. Beal) | 5   |
| Curious Stranger, do do               | 8   |

\$5,316

## ANNUAL REPORT OF THE GENERAL AGENT.

*Gentlemen of the Executive Committee :*

The undersigned desires in the outset to record his sense of indebtedness to the good providence of almighty God, that he has been spared during another year, and, through His blessing and gracious aid, rendered useful to a large number of individuals, whom he has found in prison, charged with crime.

The objects of the Association have been more fully developed, more clearly understood, and more generally appreciated than ever heretofore.

Your general agent, in conformity with previous usage, respectfully submits his annual report, with the tables of criminal statistics prepared by the warden of the city prison for the Commissioners of Public Charities and Correction. These tables will show, in some degree, the gigantic character of the work in which as the representative of the Association he is engaged, and the number of complaints devolving on him to examine, many of them of the greatest importance, and the final disposition of which has a bearing on the temporal interests of all, and the eternal condition of some of those against whom they are preferred.

TABLE A.

| First District Prison—Halls of Justice.                                 | White Males.  | White Females. | Black Males. | Black Females. | Total.        |
|---|---------------|----------------|--------------|----------------|---------------|
| Number remaining in prison Jan. 1, 1866....                             | 294           | 136            | 26           | 2              | 458           |
| Number received during the year .....                                   | 15,867        | 11,013         | 547          | 255            | 27,682        |
|   | <u>16,161</u> | <u>11,149</u>  | <u>573</u>   | <u>257</u>     | <u>28,140</u> |
| During the year have been discharged.....                               | 10,759        | 5,287          | 380          | 180            | 16,606        |
| Deceased.....   | 17            | 3              | ....         | ....           | 20            |
| Escaped.....  | 1             | ....           | ....         | ....           | 1             |
| Executed.....   | 2             | ....           | ....         | ....           | 2             |
| Sent to Blackwell's Island by police and other court.....               | 2,001         | 1,143          | 111          | 14             | 3,269         |
| Transferred to Blackwell's Island by Commissioners .....                | 2,830         | 4,604          | 42           | 55             | 7,531         |
| Sent to State prison.....   | 328           | 22             | 23           | 4              | 377           |
| Remaining in prison December 31st, 1866....                             | 223           | 89             | 17           | 4              | 333           |
|   | <u>16,167</u> | <u>11,149</u>  | <u>573</u>   | <u>257</u>     | <u>28,140</u> |
| In addition to the number received at first district prison, viz: ..... | 15,868        | 11,013         | 547          | 255            | 27,682        |
| There were discharged from second district prison.....                  | 3,936         | 1,738          | 130          | 39             | 5,843         |
| Sent to Blackwell's Island.....   | 55            | 53             | ....         | 3              | 111           |
| Discharged from third district prison.....                              | 5,164         | 1,773          | 16           | 9              | 6,962         |
| Sent to Blackwell's Island.....   | 35            | 30             | ....         | ....           | 65            |
| Discharged from fourth district prison.....                             | 1,538         | 355            | 12           | 1              | 1,906         |
| Sent to Blackwell's Island .....  | 19            | 31             | 1            | 1              | 52            |
| <i>Total number of commitments during the year 1866.....</i>            | <u>26,614</u> | <u>14,993</u>  | <u>706</u>   | <u>308</u>     | <u>42,621</u> |

TABLE B.

| Nativity.  |                                      | Males. | Females. | Total. |
|--|--------------------------------------|--------|----------|--------|
| Number received who were of native birth .....     |                                      | 10,979 | 4,862    | 15,841 |
| do   | foreign birth .....                  | 16,341 | 10,439   | 26,980 |
| Total .....  |                                      | 27,320 | 15,301   | 42,621 |
| Social Relations.                                  |                                      |        |          |        |
| Number received who were married .....             |                                      | 9,962  | 5,716    | 15,678 |
| do   | single .....                         | 15,741 | 7,196    | 22,937 |
| do   | widowed .....                        | 1,471  | 2,215    | 3,686  |
| do   | whose social relations were unknown. | 146    | 174      | 320    |
| Total .....  |                                      | 27,320 | 15,301   | 42,621 |
| Habits of Life.                                    |                                      |        |          |        |
| Number received who were of temperate habits ..... |                                      | 8,917  | 6,134    | 15,051 |
| do   | intemperate habits .....             | 18,403 | 9,167    | 27,570 |
| Total .....  |                                      | 27,320 | 15,301   | 42,621 |
| Education.   |                                      |        |          |        |
| Number received who could not read .....           |                                      | 1,574  | 1,202    | 2,776  |
| do   | read only .....                      | 3,127  | 7,144    | 10,271 |
| do   | read and write .....                 | 21,876 | 6,669    | 28,575 |
| do   | were well educated .....             | 591    | 71       | 662    |
| do   | whose degree of educat'n was unknown | 152    | 185      | 337    |
| Total .....  |                                      | 27,320 | 15,301   | 42,621 |

TABLE C.

| For what offenses committed.     | Males. | Females. | Total. |
|----------------------------------|--------|----------|--------|
| Abandonment .....                | 105    | 1        | 106    |
| Abduction .....                  | 10     | 1        | 11     |
| Abortion .....                   | 0      | 1        | 1      |
| Arson .....                      | 26     | 4        | 30     |
| Assault .....                    | 57     | 22       | 79     |
| Assault and battery .....        | 2,161  | 362      | 2,423  |
| do felonious .....               | 268    | 14       | 282    |
| Attempt to commit burglary ..... | 40     | --       | 40     |
| do grand larceny .....           | 24     | --       | 24     |
| Burglary .....                   | 413    | 2        | 415    |
| Bastardy .....                   | 48     | --       | 48     |
| Bigamy .....                     | 8      | 1        | 9      |
| Conspiracy .....                 | 3      | 1        | 4      |
| Contempt of court .....          | 10     | --       | 10     |
| Carrying slung shot .....        | 1      | 1        | 2      |
| Cruelty to animals .....         | 3      | --       | 3      |
| Delirium tremens .....           | 18     | --       | 18     |
| Disorderly conduct .....         | 9,334  | 6,717    | 16,051 |
| do boys and girls .....          | 289    | 59       | 348    |
| do idle and suspicious persons.  | 31     | 4        | 35     |
| Embezzlement .....               | 38     | 1        | 39     |
| Escaped convicts .....           | 14     | --       | 14     |
| Felony .....                     | 114    | 11       | 125    |
| Fraud .....                      | 7      | --       | 7      |
| Felonious assault .....          | 15     | --       | 15     |



| For what offenses committed.           | Males. | Females. | Total. |
|--|--------|----------|--------|
| Forgery .....                          | 94     | --       | 94     |
| Fugitives from justice .....           | 5      | --       | 5      |
| Gambling .....                         | 71     | --       | 71     |
| Grand larceny .....                    | 1,321  | 172      | 1,393  |
| Illegal voting .....                   | 34     | --       | 34     |
| Indecent assault .....                 | 11     | --       | 11     |
| do exposure of person .....            | 7      | --       | 7      |
| Insanity .....                         | 171    | 257      | 428    |
| Intoxication .....                     | 5,882  | 4,363    | 10,245 |
| Juvenile delinquents .....             | 351    | 65       | 416    |
| Keeping disorderly house .....         | 67     | 79       | 146    |
| Kidnapping .....                       | --     | 1        | 1      |
| Larceny .....                          | 81     | 33       | 114    |
| do from the person .....               | 39     | 18       | 57     |
| Lodgers .....                          | 71     | --       | 71     |
| Malicious mischief .....               | 23     | 4        | 27     |
| Manslaughter .....                     | 3      | --       | 3      |
| Mayhem .....                           | 11     | --       | 11     |
| Misdemeanors .....                     | 544    | 21       | 565    |
| Murder .....                           | 30     | 4        | 34     |
| Obtaining goods by false pretences ..  | 97     | 2        | 99     |
| Petit larceny .....                    | 2,750  | 968      | 3,718  |
| Perjury .....                          | 4      | --       | 4      |
| Receiving stolen goods .....           | 111    | 11       | 122    |
| Rape .....                             | 42     | --       | 42     |
| Robbery .....                          | 142    | 1        | 143    |
| Seduction .....                        | 3      | --       | 3      |
| Sodomy .....                           | 1      | --       | 1      |
| Vagrancy .....                         | 1,675  | 2,240    | 1,915  |
| Violation of corporation ordinances .. | 336    | 29       | 365    |
| Witnesses in State courts .....        | 12     | 4        | 16     |
| Total .....                            | 27,320 | 15,301   | 42,621 |

TABLE D.

Nativities of persons committed during the year  
1866.

|                     | Males. | Females. | Total. |
|---------------------|--------|----------|--------|
| Ireland .....       | 11,116 | 7,750    | 18,866 |
| United States ..... | 10,597 | 4,518    | 15,115 |
| Germany .....       | 3,221  | 2,154    | 5,375  |
| England .....       | 998    | 495      | 1,493  |
| Scotland .....      | 368    | 190      | 558    |
| France .....        | 269    | 53       | 322    |
| Canada .....        | 210    | 93       | 303    |
| Italy .....         | 76     | 22       | 98     |
| West Indies .....   | 18     | 1        | 19     |
| Prussia .....       | 76     | 2        | 78     |

| Nativities of persons committed during the year<br>1866. | Males.        | Females.      | Total.        |
|--|---------------|---------------|---------------|
| China .....  | 14            | --            | 14            |
| Nova Scotia .....  | --            | --            | --            |
| Austria .....  | 16            | --            | 16            |
| Poland .....   | 57            | --            | 57            |
| Sweden .....   | 41            | 1             | 42            |
| Unknown .....  | --            | --            | --            |
| Norway .....   | 28            | --            | 28            |
| Switzerland .....  | 34            | --            | 34            |
| Wales .....  | 35            | 19            | 54            |
| Cuba .....   | 22            | 1             | 23            |
| Spain .....  | 31            | 1             | 32            |
| Denmark .....  | 40            | --            | 40            |
| Russia .....   | 10            | --            | 10            |
| Belgium .....  | 17            | --            | 17            |
| South America .....                                      | 10            | 1             | 11            |
| Portugal .....   | 5             | --            | 5             |
| Africa .....   | 2             | --            | 2             |
| Sandwich Islands .....                                   | --            | --            | --            |
| Mexico .....   | 2             | --            | 2             |
| Greece .....   | --            | --            | --            |
| Hungary .....  | 7             | --            | 7             |
| Total .....  | <u>27,320</u> | <u>15,301</u> | <u>42,621</u> |

TABLE E.

*Classification of the Ages of the Male and Female Prisoners  
received during the year 1866.*

| Ages                      | Males.        | Females.      | Total.        |
|---------------------------|---------------|---------------|---------------|
| Under 15 years .....      | 1,934         | 346           | 2,280         |
| From 15 to 20 years ..... | 3,715         | 1,795         | 5,510         |
| From 20 to 25 years ..... | 5,794         | 3,422         | 9,216         |
| From 25 to 30 years ..... | 5,575         | 3,462         | 9,037         |
| From 30 to 35 years ..... | 3,163         | 2,414         | 5,577         |
| From 35 to 40 years ..... | 2,623         | 1,893         | 4,516         |
| From 40 to 45 years ..... | 1,527         | 582           | 2,109         |
| From 45 to 50 years ..... | 1,216         | 660           | 1,885         |
| From 50 to 55 years ..... | 654           | 202           | 856           |
| From 55 to 60 years ..... | 501           | 286           | 787           |
| From 60 to 65 years ..... | 285           | 101           | 386           |
| From 65 to 70 years ..... | 232           | 72            | 304           |
| Over 70 years .....       | 101           | 57            | 158           |
| Total .....               | <u>27,320</u> | <u>15,301</u> | <u>42,621</u> |

Forty-two thousand six hundred and twenty-one persons committed to prison, charged with crime and vagrancy during the past year, in the city of New York alone! How sad and sickening is the view of human depravity and wickedness which these figures give; whether we look at them from the stand-point of patriotism, philanthropy or religion. And what increases the sadness of the picture, is the fact that of this number 2,280 are children—boys and girls, under 15 years of age. Poor little immortals! What scenes of neglect, privation and misery would their short biographies unfold! Introduced into a world, deformed through vice and wickedness by reckless and ignorant parents, whose teaching and example, far from restraining, are suited rather to lead them to a career of crime. No wonder these young creatures so soon find their way to the police court and the prison; our large cities swarm with such pitiable little wanderers; we have at our very doors this festering and increasing evil; a brood of juvenile thieves, ready to take the places of those who may be consigned to our jails, penitentiaries and State prisons. How this fearful state of things can be remedied is a problem that should secure the attention and command the study of all good men. It is a question of the gravest importance, as it touches the very foundations of social virtue and public order.

The fact that 304 persons, from 65 to 70 years, and 150 persons over 70 years of age, were included in this crowd of criminals, almost makes one's blood curdle in the veins. They are fast hastening to the grave, and the retributions of the eternal world, without, it is to be feared, preparation for the change that so speedily awaits them.

The record shows that 27,570 intemperate men and women, including little boys and young girls, were charged with intoxication during the year. There can be no question that a much larger proportion of the 42,621 were persons of intemperate habits. And oh! what confusion and disorder; what poverty, vice, crime, disease and death have resulted from such drinking practices. No finite mind can measure or even conceive the mighty aggregate.

#### DETENTION DEPARTMENT.

Our charter and by-laws require us to enquire into the causes of commitment of persons detained for trial or as witnesses in any of the prisons of the cities of New York and Brooklyn, and to adopt proper means for procuring the discharge of such as shall

appear to be entitled thereto; and also labor for the melioration of the condition of prisoners, whether detained for trial or finally convicted, or as witnesses.

Your agent reports that he has labored industriously to be useful agreeably to these requisitions. In his daily visitations of the prisons, his object has uniformly been, not to screen guilty men from the punishment imposed by the law (God forbid), but to lead them to repentance and a better life; and with young persons whose habits are yet unfixed, he believes that he has, by the divine blessing and help, been rendered not a little useful.

Very many of the prodigious multitude of prisoners were visited in prison by your agent, and from the heterogeneous mass, the most hopeful were carefully selected, and in some way suitably aided.

A few cases are given below to show the character of our work, and the object of our anxious solicitude and toil.

#### DETENTION CASES.

Number 1—Informs us that her husband, when under the influence of strong drink, had ill-used her. To prevent a repetition of such cruel and brutal treatment, she had caused his arrest, and he is in prison. He promises now to sign the pledge, and never to strike her again. She has three children; one of them is now sick with croup; she is much afraid he may die, and would not for the world have it happen while its father is locked up on her complaint. She knew not what steps to take. He was never in prison before; how to obtain his release she cannot tell. Your agent interposed in his behalf, when he was discharged. The man appears to have done well since his release. Himself and wife called to return thanks for the aid rendered them.

Number 2—A respectable Italian woman called with a line from a citizen, informing me that she has a young daughter, aged but 16 years, who is with great haste running to ruin. She has left her mother's roof, and is now in a house of ill-fame. The mother has arranged her affairs to leave New York for Cuba next month, and she earnestly desires her child to accompany her. Her object in calling on the agent is to ask whether he could take charge of her until the ship sails. Appropriate means were taken; she was rescued from her degradation and placed in one of our neighboring institutions, as earnestly desired by this distracted mother, until the morning when the steamer left this port for Cuba. We

trust this poor girl may be saved from vice in the future. She has an intelligent mother of high character.

Number 3—Was arrested on charge of burglary. He was committed for trial by the police justice. The grand jury found a true bill against him. Your agent had visited the accused in prison, and was led irresistably to the conclusion that he was not guilty. He subsequently called at the house of complainant, when diligent inquiries confirmed his impressions. Impelled by faith in his innocence, I urged his case on for trial. The names of the witnesses were ascertained, subpoenas were served, and the prisoner was placed on trial. The court assigned him counsel. There was not a particle of evidence against him. He was acquitted and discharged. He called to express his gratitude for the interest shown towards him.

Number 4—A youth aged 17, (whose mother is a widow, residing in a neighboring city of this State), was an inmate of a county jail, on a charge of taking letters containing moneys from a letter box placed on board ship, and to be transmitted by the United States mail to their destination. He is a weak minded lad, and had been induced by older and more criminal shipmates to perpetrate the offense, as it was shown that the sums taken (about \$40), had been divided between them. His distracted mother called and begged me to use my efforts in his behalf. I found that the United States authorities were kindly disposed, and had no desire to prosecute him. I then applied to Secretary Welles for his discharge from the service; he readily acceded to the request, and the youth was released from prison, and returned home with his afflicted mother, who was very grateful for the aid rendered her.

Number 5—A poor woman, in feeble health, without money, home or friends, called on the agent and represented that she had been in a lying-in asylum in this city, where every attention was paid her. Having heard that her husband was committed to the penitentiary on Blackwell's Island for alleged disorderly conduct, in default of \$300 bail, she had left the asylum with her babe only two weeks old, to devise means to secure his discharge, she being in want of a home and the necessaries of life, while he could, at his own business, earn at least from \$14 to \$15 per week. It being his first offence, the association, to save the poor woman and her babe from threatened starvation, obtained his immediate discharge.

Number 6.—Was convicted for assault and battery, and was fined \$25, or to be imprisoned in default of payment. His wife, a poor, sickly, half-starved looking creature, called at our office and said that she was expecting to be sick every day, and had been in circumstances of abject poverty in consequence of her husband being held for the payment of said fine, during the last thirty long days. This poor woman entreated the association to adopt such means as would secure his release, and prevent the utter destruction of his family.

Your agent submitted this case to the court, and earnestly begged a remission of the \$25 fine; the court complied, and the "weaker vessel" was discharged and restored to his suffering family.

Number 7.—Was visited in one of our detention prisons. I often conversed with him there; his case was one of a painfully, serious and lamentable character. He was a married man, with a wife of intelligence and high moral worth, and three interesting little ones. Six or seven years since, he was not only a member of a church, in good standing, but was an officer of said church,—earnest, zealous, judicious and useful. But alas! he fell from his steadfastness. He probably followed the Master at a distance, as Peter had done before. By degrees, and perhaps unconsciously he acquired a fondness for drink. He at length became a drunkard, and one of the most wretched and degraded. He ceased to labor, and provided neither for his family nor himself. The husband and wife separated; she returned to her father's house with her helpless family, and he sank to a condition still more degraded. About this time, he was met by an old and real friend who kindly engaged to relieve his wants and to find him a situation, provided he would become a sober man. He pledged his word of honor that he would abstain from strong drink. His friend clothed and introduced him to a position as clerk and book-keeper at a moderate salary. Here he avoided his old enemy for two or three weeks, when he returned to his bad habits, collected several small bills, and spent the employer's money in riotous living. He was arrested and committed for trial. The complainant was kind hearted, and he had no desire to see him consigned to the State prison; he was permitted to plead to a lesser offence than that charged in the indictment. It being his first dishonest act, the court felt leniently disposed towards him, and he was sentenced to the penitentiary for six months. There he wrote your agent two letters, *promising*, when released, to "touch not, taste not,

handle not" a drop of strong drink. But alas! his enfeebled health caused by intemperate habits, invited the cholera (then revisiting that island), and he fell under its terrible power. After suffering intensely some six or eight hours, he was numbered with the silent dead.

It is no exaggeration to say that strong drink is the prolific source of vice and crime, of poverty and want, of disease and death. Such a traffic should be exterminated. But if that cannot be, it should be curbed by stringent excise laws, and the liquor dealers made responsible for all the evil effects produced by it.

Number 8—Had been patiently awaiting trial over three weeks on a charge of larceny, of which he said he knows nothing at all. His mental suffering has been acute, his previous reputation having neither blot nor blemish. The agent procured the papers to be sent to the grand jury as early as possible. They considered the testimony insufficient to hold him, and he was brought into court and discharged. The association gave him a new shirt, coat and vest, and the means to return to his friends in the country.

Number 9—When visiting one of our city detention prisons, I found a young woman charged with grand larceny. I carefully examine the complaint. A rough box had fallen from a city express-wagon about three and a half o'clock P. M.; it was broken by the fall, and some of its contents were scattered in the street. The prisoner was passing at the time; she collected the articles together, replaced them in the box, called a carman, they were put on his cart and driven to the residence of her mother, with whom she and her husband then lived. Every morning, from Monday, the day the box was picked up by her, until the following Friday, she had purchased a daily newspaper, anxiously expecting a reward for the restoration of said property. On Friday, a man addressed her at her own door, asking if Mrs. — lived there? She replied, "I am that person." He asked her for a box picked up by her on the previous Monday. She denied finding such box, still hoping a reward would be offered, when the man called in an officer and caused her arrest, conveying the lost box to headquarters. I considered her conduct very reprehensible, but was glad to find that she had never been suspected of one dishonest act; she was four weeks in prison, when, after protracted suffering, she became a mother. The physician *of the prison* was unremitting in his professional services, and she



soon recovered. I submitted all the facts to the court, and she was discharged.

Number 10—Your agent visited one of our detention prisons. There he found a man held on a complaint for burglary. Careful attention was given to his story; it appeared to possess the powerful element of truth. The case was carefully investigated. The prisoner had been a seaman the last thirteen years. He had shipped, and was to have been on board when the vessel sailed, the morning of his arrest, which happened in this wise: He had been invited to accompany an old acquaintance to a christening; they went together, and remained making merry until between one and two o'clock in the morning, when they left the party and started for their respective homes. It was a moonlight night. Passing one of the streets, they saw lying on the sidewalk a lady's gaiter boot. It was picked up by the sailor. A police officer seeing it in his hand, and knowing that a small shoe store had been broken into during the night, stopped the two men and inquired where the gaiter had been obtained. They replied that it was but a few moments previously picked up from the sidewalk. This was not satisfactory to the officer, and the men were locked up at a later hour. They were brought before a police justice. The man who saw it lie on the pathway was discharged, but the unfortunate fellow who picked it up (the shoe-maker having identified the gaiter as his property), was fully committed for trial. I soon ascertained that this man had a wife and child, and that they were in a terrible condition of want, being nearly starved. The husband had been in prison seven weeks. It was now the middle of August, and he could not be placed on trial until the October term of the court. The cholera had already attacked many of the prisoners, and a large number had died. In this fearful state of things, your agent wrote to the District Attorney, and subsequently waited on him, submitting the following truths: That there was not a particle of testimony to show that he perpetrated the felony or participated in it, and that it would be wrong to hold him until the October term; that he had already been confined in jail more than seven weeks; that he had labored by night and by day watching and waiting on the cholera patients most faithfully, and all this time his wife and afflicted child were starving. The District Attorney promptly examined the papers, visited him in the prison, *alleviated the pressing wants of his wife and child, and then discharged him on his own recognizance.* In all my exper-



ience, I have never met a more grateful and deserving couple. I have felt delighted in rendering them occasional pecuniary aid, and they appreciate every favor bestowed.

Number 11—Was awaiting trial for an alleged petit larceny, stealing from complainant several articles of small value, and while laboring under some delusion, the result of her taking an extra glass of drink. The complainant called at our office and begged the agent to take such means as would secure the prisoner's discharge, it being her first offense, and she being ashamed and penitent. These representations were made to the court at its opening, when she was discharged; the prisoner appeared to feel very thankful, but the person who made the complaint more so; she appears to be one of those who has read to some purpose the Saviour's declaration, "Blessed are the merciful, for they shall obtain mercy."

Number 12—Was charged with grand larceny; I saw her in prison; she had worked for the complainant about six months, and he had entrusted her with six shirts to make the buttonholes; on her way home, an unprincipled scamp offered to assist her in carrying them; she declined his offer, but he insisted, and she yielded. After the lapse of a few minutes, he retired to light his cigar and failed to return; the property was lost; she informed the police; on the following day she went to the store, told her employer of the loss; he doubted her truthfulness and caused her arrest. Your agent was glad to find persons of undoubted veracity, with whom the woman had lived; these persons willingly waited on the district attorney, when the court discharged her.

Number 13—Was first seen in one of our detention jails, charged with petit larceny; the facts were—that an uncle of her's, a well-to-do citizen, had written home to his sister in the "ould country," telling her of his successes, and intimating that, if either her son or a daughter were willing to come over to New York, he would pay their passage, and they too, if sober and industrious, could succeed and save money. Her daughter expressed a desire to accept the terms; a ticket was purchased and sent, and a few weeks only passed by when she arrived; it so happened that Mary was 44 years old, and about Mary there was nothing at all attractive, but quite the reverse; her tongue was an unruly member, and ran at a dangerous speed like an unmanageable locomotive; all her friends felt anxious to get rid of her, but she

would not budge an inch ; at length a complaint was conjured up, and she was arrested and held for two weeks, when your agent called the attention of the committing police justice to her case, and on a statement of the facts she was discharged. Every effort was made to influence her relatives to provide for her in some humble way, but they peremptorily refused. At length it was deemed best to send her home to Ireland. A generous lady furnished a part of her passage money, and the Association aided her with what other amount she required to reach her home.

Number 14—A wretched woman, with infant in her arms, called at our office to say that she had been married and had lived very happily with her husband for full five years ; he was a shoemaker ; his business in February last being very dull, he went out looking for employment, and has not returned since. He was, as she represented, a hard working, sober man, a good husband and father ; she having two small helpless children to support, was unable to go out to work during the last seven months ; she had pledged and sold her furniture and clothing to enable her to leave Philadelphia and reach New York, hoping she might ascertain the whereabouts of her husband ; this poor woman was in great distress of both body and mind ; the Association gladly relieved her.

Number 15—Was brought into the court of sessions on an indictment for a felonious assault and battery, with intent to kill. Approaching him in the court room, I expressed surprise that a man of his apparent respectability should be found in such circumstances. He seemed to realize his humiliating condition ; he frankly acknowledged, and with some painful emotion, that he had for a day or two, with his elder son, been indulging in the excessive use of strong drink. Towards evening, in the basement of the house where they both lived, when alone they quarrelled, the son hurling the father to the floor. The father had a small pocket knife in his hand. In the scuffle the son received a cut ; some commotion was caused by this affray, when a police officer arrested the father. He was brought before the police justice, and the officer preferred the complaint, when he was fully committed for trial. I immediately sought an interview with the son. He felt an indisposition to appear against his father ; he would not have come, but was threatened with an attachment. He was as much in fault as his father. They had been a happy family. This was their first quarrel. *His father had abstained from all kinds of strong drink for more than ten years.* Last summer, when exposed on a build-

ing he was sun struck; a physician was called, restoratives were successfully used; he was recommended to take whiskey occasionally (probably in small doses), but he had often since drunk excessively, and but for its use (moderately) would not have been in jail awaiting trial, sacrificing four dollars and a half a day, during the seven weeks; a total loss of one hundred and ninety dollars to the family, consisting of a wife and eight children. Your agent waited on the district attorney, submitting the fact of the relationship of father and son, urging him to *nolle prosequi* the case. Reference was made to the judge. His honor, although the complainant earnestly desired it, would consent to no compromise; a jury was empannelled; the son was placed on the stand; he was a reluctant witness; the court assigned the prisoner counsel; there was no evidence that the knife was willfully and feloniously used. After the judge's charge, the jury retired, but in a little while returned with a verdict of not guilty, to the evident delight of (I think I may say) all present. Those of the family in court thanked your agent most heartily for the interest he had shown in their behalf. The father called at our office on the following morning and expressed a strong desire and unalterable determination to abandon the use of intoxicating drink in the future, whether sick or well, medicinally or otherwise.

Number 16—Was tried on an indictment for larceny. The facts were: A carman was employed to remove a family (or their furniture rather) from one house to another. He required help. Seeing this man in the neighborhood, he hired him to assist him down stairs with some of the heaviest articles of the furniture. Several journeys up and down stairs had been made, when the helper was found to be half-drunk. He was requested at length to sit down on a trunk and watch the goods, as it was becoming dark. When the carman next came down, the man was gone and the trunk also. He was traced to a liquor store, but he had no recollection of the trunk. A plea of an attempt at grand larceny was recorded against him, with a stern threat by the judge to punish him with severity, should he fail to find said trunk. This man had a wife and three helpless children. The complainant being poor, we suggested that she be remunerated for the loss. Your agent witnessed the payment of \$50, when judgment was suspended. At the earnest request of the complainant, such application to his honor the judge was placed on file.

*The prisoner was then discharged. He expressed his thankfulness; his poor wife was nearly overcome with transport, and the*

complainant congratulated herself that, in the eleventh hour, her loss was (by his friends) compensated.

Number 17—A poor, starved-looking man, asked our attention to his forlorn condition. He was arrested on suspicion of grand larceny in a neighboring city and State, and committed for trial. After being in their detention prison for eleven weeks, the grand jury find nothing in the case, the complaint was dismissed, and he was discharged, hungry, wretched, dirty, and without a penny in his pocket. In such doubtful cases, the police justices would do well thoroughly and deliberately to investigate the complaints; there would be less injustice to innocent persons.

This unfortunate creature was first sent to a bath. He was then supplied with suitable clothing and his traveling expenses paid to his friends, where he could have employment, and be saved from distress and ruin. He was evidently thankful.

Number 18—Your agent visited one of our detention prisons, and there met with a young man, aged about 27 years, in a sad condition of body and mind. He appeared to be laboring under the influence of some deadly drug. After speaking to him for a few moments my fears were confirmed. I subsequently ascertained that he had held several respectable and remunerative positions as clerk and book-keeper in this city.

During the late rebellion, his loyalty and earnest patriotism led him to enlist in the United States army. He worked his way up, until he became clerk to one of our successful and deservedly popular generals. There he served with uniform propriety until the end of the war, when he was honorably discharged.

He then returned to this city, and soon acquired the destructive habit of drinking. He plunged headlong into the abyss of intemperance. His friends, who are respectable and influential, made strenuous efforts to save and restore him. He promised to abstain and lead a better life. He appeared to reform, when they were again encouraged to introduce him to another respectable situation—but alas! alas! his strength is weakness, and at the shrine of Bacchus, he sacrifices all but his life. He seemed to be led by the devil at his will, became almost a maniac, wandering about the house of his disinterested friend, at all hours of the night, exciting the fears of a quiet and orderly family. To prevent greater evils, it was deemed advisable, when he retired for the night, to lock the door of his bed room, as he had on several occasions

taken large doses of poisonous drugs, which endangered his life. Finding himself locked in his room, he lifted the sash and jumped out of a second story window, on to the pavement below, breaking, not his neck, but several of his teeth, and otherwise injuring himself sadly. He wound up his mad career by taking a gold watch and chain belonging to a member of the family of his friend, which he pledged in the neighborhood for a few dollars to procure more intoxicating drink.

He was subsequently arrested, brought before a police justice and fully committed for trial. The papers were sent before the grand jury and a true bill found.

These steps were all taken that he might be brought to a sober and serious reflection, and see and feel the enormity of his conduct. After several weeks of close confinement, and living on prison fare, he seemed to awake out of a lethargic sleep and realize his real condition. His mental suffering was intensely severe. Just at this critical moment the case was submitted to the proper authorities by your agent. The earnest desire of the complainant for his discharge was represented, with the unalterable determination of the prisoner to avoid drink and its consequent evils in the future. He was then brought into court, judgment was suspended, and he was discharged.

This, in my judgment, was the best disposition that could be made of this unfortunate young man, as he may, under the blessing of God, reform. Should he be restored to sobriety and a consistent life, his afflicted and pious mother will be saved from a premature grave, and a large, respectable and useful family from threatened disgrace and humiliation. In such case he will become a blessing to his connections and an ornament to society.

May moral courage be given him, proportioned to his day of trial, that he may conquer his enemy, and be restored to the "spirit of a sound mind."

The foregoing instances will give some idea of our daily work, and illustrate, in a general way, our *modus operandi*. Hundreds of other cases of equal interest, might be adduced, but let these suffice.

The efforts of your agent were especially directed to the cases of such as he regarded as innocent of the offences alleged against them, and in these he exerted himself to the utmost in collecting *evidence, hunting up witnesses, and submitting the facts ascertained to the courts.*

Careful inquiry is made into the cases of those who have been arrested for the first time, especially if they have been drawn into crime by sudden temptation, if they seem truly penitent, if they give evidence of a genuine resolve to lead a better life, if they have been impelled by hunger or the dread of being driven from their boarding house because they have no work. All the extenuating circumstances of such cases are fully and faithfully submitted to the proper authorities, and numbers are thus turned back from a career of crime at the very threshold, and become honest and useful citizens.

Much time has been devoted to young persons, whose habits are not yet formed. In many instances, through our interposition, these have been restored to their parents and friends on the promise that they would exercise a more watchful care over them.

Very many of these visit us afterwards, to whom we give a useful book, a kind word, an encouraging look, or some little token of interest. Some we send into the country on farms, through the aid of kind friends, to whom we feel much indebted, as the chances for these youngsters to do well are more abundant there than in this large city.

A great deal of my time has been occupied in efforts to settle difficulties between wives and husbands. Numerous complaints are made before our police courts of assault, abandonment, &c., &c. In most of these cases the fault is pretty equally divided between the parties. The wife, perhaps intemperate and influenced by passion, prefers a complaint against her husband. He is arrested, committed, and finally sentenced to the penitentiary. The family are subjected to great distress and want; they are driven from their miserable dwelling; ruin and desolation, like an avalanche, descend upon them, and not unfrequently when the unfortunate husband is restored to his liberty, he finds it difficult and sometimes impossible to ascertain their whereabouts.

In not a few cases, we have happily succeeded in harmonizing these jarring elements. The wife has been induced to make home more attractive, and the husband to become a man of sober, industrious habits. Knowing that strong drink creates most of these troubles, I uniformly seek to persuade the most sober of the two to sign the pledge, as the best means to reform the other. Adopting this method, I generally succeed in getting the pledge of both. Such persons are then advised to join one of the temperance organizations, and in very many couples I have had the satisfaction



of witnessing a speedy and manifest reformation. In this way much expense has been saved to the city and county of New York, and precious time that would have been lost in prison, has been devoted to the interest of their families in the pursuits of honest industry.

I select with care those awaiting trial in our detention prisons, who are without money or friends, and entirely unable to help themselves, and if their cases prove worthy, "run to their rescue," but in no instance are those aided who are known to be habitually addicted to criminal practices.

During the past year, the Association has been instrumental in accomplishing much good. The hungry have been fed, the naked clothed, and the desolate heart made glad; and, far better still, many and many a wanderer from right paths has been restored to sobriety, industry, honesty, and the fear of God. Whole families have been made happy by the return of the prodigal, and have sung with joy, "He was dead and is alive again, he was lost and is found."

Your agent thankfully acknowledges the aid, courtesy and consideration shown him by those connected with the administration of criminal law, both in New York and Brooklyn; also the advice and assistance afforded him by the district attorneys and their assistants, as well as by the members of the legal profession, who have gratuitously defended prisoners on their trial at his request.

#### DISCHARGED CONVICT DEPARTMENT.

The charter of the Prison Association declares one of its objects to be "the support and encouragement of reformed convicts after their discharge, by affording them the means of obtaining an honest livelihood, and sustaining them in their efforts to reform."

Your agent respectfully reports, that from 18 to 20 discharged convicts, and other released prisoners and unfortunates, call daily at his office from our State prisons, penitentiaries, county jails, workhouse, almshouse and various hospitals, asking of the Association clothes, food, advice, employment and pecuniary aid to enable them to reach their friends, or work in the country, or to redeem from pledge property belonging to themselves or others, the restoration of articles taken from them by the officers when they were arrested, the whereabouts of their families and connections, and "ten thousand other things besides."

*With this unfortunate and numerous class of our fellow-men*

our liveliest sympathies should ever be in earnest exercise, for they have but few friends when liberated from their narrow cells. This is an eventful period of a discharged convict's life. If treated kindly, he may, under providence, be won, be saved from evil and ruin in the future. If treated with cold indifference, and no helping hand is held out, the chances are that he will seek his former companions, relapse into crime, and his last state will become worse than the first. Such being our abiding conviction, we strive and labor to attract him to a better life, and in numerous instances, to the joy of our heart, we have happily succeeded.

#### DISCHARGED CONVICT CASES.

No. 1.—Had served six months in the penitentiary on conviction of petit larceny. When discharged, he calls on the agent and says, "he wishes that he could run away from himself, or that his past life, especially the last ten months, were hid in oblivion. He cannot forget it, he fears it will be ever present and never forgotten by him. What fools men are to sacrifice self respect, peace of mind, reputation, character and everything valuable; and by a short vicious career consign themselves to a prison, to punishment, disgrace and ruin. He has often wished during his incarceration that the earth would open and swallow him up. The last few months he has read more, and become more thoughtful, and now feels grateful to God that he has been spared, and humbly hopes to recover himself and become a better man."

The Association furnished him with suitable clothing and sufficient pecuniary aid, to enable him to reach his friends, some distance in the country. He seemed truly penitent, and we have good hope that he will do well.

No. 2.—A young woman, discharged from the penitentiary where she had spent six months for petit larceny, begs the agent to aid her in her attempts to reform. She solemnly purposes never in any way to take a cent or a cent's worth, belonging to another. This was her first offence, and we regard the case as of a very hopeful character.

Her clothes were redeemed from pledge, and means placed in her hands by which she could get to her parents, and be strengthened in her purposes to walk circumspectly.

No. 3.—Was tried on an indictment for burglary in the first degree, and was convicted and sentenced to Sing Sing State prison for fifteen years.



After serving nine years in the prison with diligent industry, a strict observance of the rules and regulations, commending himself in all respects to the officers in charge, his case was presented to the Executive. On a thorough investigation it was found to be worthy of favorable consideration, and a pardon was immediately granted.

This man seems to have unfeignedly repented of his past transgressions, and now appears to be sincere in his resolves to live in the future an honest life. To accomplish this, he intends (he says) to take the Bible for his compass and chart, his companion and friend, "a lamp to his feet and a light to his path."

A member of our Association had visited the prison in which he was confined, and, on that occasion had seen and conversed with him. He had not forgotten the sympathy then expressed in behalf of its inmates, and on his discharge he felt encouraged to call on the Association. He informed your agent that he had never been baptized, and now felt anxious to be introduced to the church by that religious rite. He waited on one of our city clergy, disclosed to him all his past history, and earnestly desired to be admitted a member of his church. After some delay (deemed necessary as a period of probation), he was accepted and baptized. On that occasion, he took the name of Mannasah as the most appropriate, having been (as he declared) a wicked man, but being now by the grace of God regenerated and reformed. We were instrumental in securing employment for him in a distant city, where he has uniformly sustained the character of an honest and industrious man, and a consistent christian. After having been for some time in the situation procured for him, he fell sick and became straightened in his circumstances. He wrote on to the Association to ask a loan. This was readily granted, and has since been sent back to the last farthing. His letter, covering the money, is appended.

MASSACHUSETTS, *Sept.* 6, 1866.

MR. BEAL:

My Dear Friend—It is with the deepest gratitude to God, that I now am enabled to return to you, your favor of last spring; its payment has been a matter of great anxiety with me. I had it ready at one time, except one dollar. I then wrote you a letter, expecting to enclose the whole amount, but my work failed me, and I had to use it for food. I felt that my need was almost as great as *when I first borrowed it of you.*

*Now I am working by the day.* My wages is two dollars, and

I have steady work. I hope to become accustomed to it. The employment is new to me, but I thank God I have succeeded so far. I am glad to know that you are still alive and well, so many changes happen daily, that I was reluctant to send the money until I ascertained that you were at the old place. Your reply to my enquiries found me striving "to get good, to do good, and to glorify God," and I hope to love and enjoy his presence always. I desire an interest in your prayers for me.

I am, with many thanks (for the use of the money which I now return), and much willingness to serve you, M. J.

Number 4—Had spent three months in the penitentiary. This almost broken hearted creature called at our office to assure us he is not a rogue ingrain. He was never before in prison, and how he came to yield to a temptation to steal, he knows not. He had been drinking, but not to excess, and was detected in placing a tumbler in his pocket. He says that to some this may be a trifling affair, but to him it has not proved so. How much misery has followed that thoughtless and dishonest act. He appeared penitent, and resolved to act a more manly part in the future. Suitable clothing was given him, and he was then introduced to employment, since which time he has been doing well.

Number 5—A group of probably twenty persons of both sexes, reduced to beggary and crime by intemperance, call on the Association for aid. To see such numbers on the downward road to ruin is most appalling. We tax our ingenuity to place them, temporarily, in appropriate homes; but O, what a task is this! We cannot divest ourselves of the impression that those persons, whose liquid poisons make them drunkards, should be made to provide asylums for them, after having reduced them to poverty and its attendant miseries.

Number 6—After serving six months in the penitentiary, a young man called upon your agent and assured him that he had been carefully brought up by pious parents. He confessed, however, that he had, for some four months before his arrest, wandered from right paths, during which he seemed to have forgotten all the moral lessons he had learned. He represented that he felt not only ashamed, but humbled, and determined to retrace his steps. He was aided by the Association.

Number 7—Was arrested in Brooklyn, on charge of forgery in the 2d degree, *passing counterfeit bills*. He was tried, convicted

and sentenced for five years to Sing Sing. He had served out his term, except eight months, which he had, by good conduct, saved under the commutation act. Since his discharge, in August last, he has been boating. The canals being closed, he was deprived of employment, and had no means to buy bread or pay for his lodging. The Association cheerfully relieved his necessities, until work was obtained for him.

He subsequently wrote the following letter :

MARYLAND, *July 10, 1866.*

Honored Sir—I write to inform you that I have arrived safe in this State, and am among friends, and also to thank you for your great kindness to me in assisting me in the manner you did.

I am not at work yet, and hence I have not the means to send you back what you so kindly loaned me, but when I get a ship I will certainly send it, so that you may be the better able to assist some other poor fellow, who may be as bad off as I was when I came to you. Once more accept the thanks of

Your obedient servant,

WILLIAM.

Number 8—Was sentenced to State prison for five years, on an indictment for burglary in the third degree, stealing a suit of clothes from an office, when under the influence of liquor; by his good conduct in prison, he had saved eight months under the commutation law. He represents that most of the prisoners feel thankful for the provisions of that law, and that they strive hard to restrain their tempers and passions, even under grievous provocations. He has witnessed the salutary effects resulting from that wise and benevolent act, when his companions in crime have checked and kept down their anger and wrath, lest they should forfeit the advantages already earned.

Number 10—Was, on his own confession, convicted of forgery in the fourth degree. In consideration of it being his first offense (and this was ascertained beyond a doubt by your agent), his honor, Recorder Hoffman, had shown him mercy; he was sentenced to the penitentiary for one year only. After serving out his term, he left the Island without a penny, but with a determined will never to act with meanness or dishonesty in the future; he promises never to injure his neighbor again. He expressed a strong desire to reach a neighboring State. The Association provided him with decent clothing and the means to return to his *afflicted mother and family.*

No. 11.—Was sentenced to the penitentiary for six months on conviction of petit larceny. He was advised (he said) to call at the office of the Association and state his case, and ask, would it be advisable for him to commence a civil suit against his prosecutor for false imprisonment and damages. His story was patiently and attentively heard. There seemed to be ground of doubt as to his guilt; but our advice to him was, to lose no more time, but to get to work as early as possible, and to forget the past, except as a beacon for the future. The Association provided him a suit of clothing and a little money, and he was then introduced to a shipping master and went to sea.

No. 12.—Had spent two months in jail, being guilty of a petit larceny. He worked in one of the shops. He represents that he never spent such a two months before, it being the first time he was ever in prison. He feels that the way of the transgressor is hard, but he thinks it is made harder by prison officers than it need be. He hopes to avoid the way to a prison in future. Vice (he says) leads to crime, and crime to disgrace and often to ruin. He thinks a prison a very bad school, as very many of its inmates are so devilish, both in their language and their actions. To live constantly with them would be a terrible existence. Advice, clothing and pecuniary aid were given him. He returned to his home in the country.

No. 13.—Was tried with her father on an indictment for grand larceny. They were convicted and sentenced to Sing Sing; the father for three years, the daughter for two. After serving out her term, she called on your agent to ask some small pecuniary aid, being without home or friends. This case is a very sad one, as her mother has been convicted of a similar crime to that of the husband and daughter, and is now suffering a punishment of six months in the penitentiary, with a fine of \$100. The daughter promises to steal no more and to live an honest, becoming life. We greatly fear concerning her, not being of the number of those who expect grapes of thorns, or figs of thistles. She was temporarily aided; but our hopes are not high that she will not again lapse into crime.

No. 14.—Called on the agent on his discharge from prison. He expressed a strong desire to leave New York forever. He had, until he was twenty-four years old, sustained a good reputation. Then he began to smoke and drink; he kept company with men who lived *fast*, and went down rapidly; at length he was arrested

on a charge of stealing an overcoat, when under the influence of wine and the loss of \$27 at faro. He is known in this city, and as men's good deeds are written in sand, and their bad ones in brass, he desires to reach a distant State. He was supplied with clothing and the means to do so. He seemed sincere, and we trust may keep his good resolutions and do well.

Number 15—A seaman in the U. S. navy, was tried by a court martial at Key West, Florida, for alleged insubordination, pushing an officer\* who had called him by opprobrious epithets. He was found guilty, and sentenced for six years to any prison, to be designated by the proper authorities. He was ultimately sent to Sing Sing. He was also, by his sentence, to forfeit all back pay and prize money. He was removed to Sing Sing, February 13th, 1864; and through the interposition of disinterested and unpaid friends, the President was induced to bestow on him a pardon March 22, 1866. He called on the agent and expressed great thankfulness for his restoration to liberty. He claims that it was not so much an act of mercy, it was simply an act of right and justice, and yet he hopes ever to remember the favor shown him by the Executive.

He was introduced to a place of work, with one of our corresponding members in the country. We are glad to know that his conduct there secured the respect and commendation of all who became acquainted with him. The Association had aided him at the time of his discharge. He has since been sick and unable for some time to do any kind of labor. He again applies to us, and we most cheerfully stretch out to him a helping hand, and he gratefully appreciates every favor done him.

Number 16—On his discharge from the penitentiary, after serving one year there for forgery, called to return thanks for the timely aid afforded him, when he was in danger of being sent to the State prison. He expressed a strong hope that in the future he may be both watchful and prayerful, lest he again fall into temptation. From diligent enquiries made previously to his being arraigned for trial, we found that he had ever before sustained an unsullied reputation. This fact, properly authenticated, is of advantage to those who for the first time are accused of crime and who evince symptoms of genuine penitence. I have great confidence in the permanent reformation of this young man; hence suitable clothing, and the means to reach his friends away in a distant *State, were afforded him, whilst he appeared to be sincere in his*

expressions of thankfulness and in his determination to lead an honest life.

Number 17—A poor colored man, who had spent three months in the county jail for petit larceny, called at our office and begged the Association not to cast him off, but to help him now in the hour of need, and he would show his gratitude by keeping away from wrong and forbidden paths. Coat, shirts, overalls and cap were given him, and the means to reach employment in the country.

No. 18.—On conviction of assault and battery, was sentenced one year to the penitentiary. He appears heartily glad to get once more out of prison. He is a sailor by profession, and represents that much of his life has been spent amidst breakers, icebergs, and dangers of the sea, seen and unseen, but the penitentiary beats all. The court sent him there, but whether as a punishment or to make him a better man, he cannot determine; but this he does know, that the treatment practiced on the unfortunate prisoners by he should think "old boatswain's mates," would never tend to reform the vicious or the criminal. He represents that he was never before in any prison, and hopes to refrain from rum and avoid such places in the future. He was furnished with suitable clothing, and then introduced to a friend, who saw him shipped. He almost danced for joy.

No. 19.—On his discharge from jail, after serving six months, says: "I was vicious and unfortunate before I was guilty of crime, and but for wicked indulgences should not have been tempted to disregard law and honesty." He hopes to be saved from evil in the future, and earnestly prays God to give him a wise and understanding heart, and power to remain in right paths. His friends reside about 160 miles from this city. Could he reach them, he should be delivered from threatened danger. His wants were supplied, and the means afforded him to reach the place designated.

No. 20.—Was tried in court of sessions, on an indictment for burglary in the third degree. He was found guilty, and sentenced to Sing Sing State prison for a term of five years. By uniform good conduct in prison, his punishment was commuted eight months, when he was discharged. He leaves the prison with, as he represents, an unalterable determination to live a better life. He was born in this State; he is young, and hopes yet to become a respectable and useful citizen. He promises that, if employment *can be given him*, he will never discredit the Association or



himself. He had worked on what is called a team, in the shoe shop. The contractors were applied to, and kindly engaged to give him constant employment in their manufactory in the country. He was furnished with board until this was accomplished. Money was afforded him to reach his country home, where, we trust that his purposes to reform will be strengthened and he made fully manifest, being "known and read of all men." He intelligently resolves to regard the Bible as his best guide; and with such a guide, honestly and steadfastly followed, he will certainly succeed. We have good hope that he will fully recover himself, and, as he desires, become a respectable and useful member of society. So far he has adhered to his resolution, and has done well.

The foregoing cases from our diary, selected from hundreds of such, are intended merely to show the class and character of the persons who daily visit our office; all bankrupt in character, and all requiring friendly advice, admonition and aid.

There are few conditions in life more painfully embarrassing than that of discharged convicts, and especially of those who desire to live a better life; for, however strong the evidences of reformation they may exhibit, the confidence of the public cannot be secured. In our experience, we have daily and painful illustrations of this truth.

We have much to discourage us, and this fact above and beyond all others, that the entire community, with but a comparatively few noble exceptions, persistently refuse to encourage or employ a man or woman known to have been a convict.

One of the exceptions referred to above is that of a family who have engaged as servants, within the last fourteen years, some nine women, discharged convicts from various penal institutions, all of whom performed their duties with prompt fidelity, and were, without an exception, scrupulously honest. These persons are now scattered; several are comfortably situated, married and doing well. Facts like these go to show that, from these considerations, if the community were more sympathetic and forgiving, a much larger proportion of these erring ones would be restored and saved.

But despite all difficulties, much good is accomplished. It is the happiness of your agent to meet daily those whom he has visited in prison and in some way aided, who are now living honest, upright lives, and who will never again, it is confidently *believed, be found in the way of the transgressor.*

Gentlemen of the Executive Committee, whose almoner I have had the honor to be made, in the name of the destitute and the suffering; I thank you for your generous appropriation of two hundred dollars, to be expended, in my discretion, for the relief of certain classes of these persons. I accordingly spent the whole of New Year's day in visiting the families of discharged convicts resident in the cities of New York and Brooklyn; the families of those unfortunates, who are inmates of our various penal institutions; and the families of those other unfortunates, who are awaiting trial in our detention prisons, whose circumstances I knew to be such as to make them suitable objects of your benefactions. It had been my intention to purchase a few useful articles of daily consumption, as tea, flour, coal, &c., for distribution among them. But after consulting with several judicious lady friends, I became convinced that a sober, industrious woman, the mother of a family, could spend to better advantage a few dollars for herself and little ones than I could spend it for them, since they were more familiar with their own wants than any stranger could possibly be. Influenced by these wise counsels, I determined to distribute your bounty in the form recommended, discriminating as to the amount according to the necessities of the several families visited. Gentlemen, it was a day of mingled toil and pleasure. What a delightful employment I found it, to alleviate the distresses of the poor, the very poor, the worthy poor, the Lord's poor; to minister to their pressing wants; to feed the hungry; to clothe the naked; to redeem bedding and warm clothing in midwinter from the clutches of the pawnbroker; to pay the rent of those in danger of being put out of doors, and to enable the needy to provide the absolute necessities of life. Truly, there is a luxury in doing good. While engaged on such errands of mercy, one is sure of the prayers and benedictions of those who are ready to perish, an approving conscience, and the rich blessing of Almighty God. Gentlemen, could you have accompanied me on my long tramp on the opening day of 1867, you would have known and felt, as I did, the truth of that saying of the kind and gracious Saviour: "It is more blessed to give than to receive."

All of which is respectfully submitted,

ABRAHAM BEAL,

*General Agent.*

OFFICE OF THE PRISON ASS'N, 12 CENTRE. }  
STREET, NEW YORK, January 2, 1867. }



## REPORTS OF LOCAL COMMITTEES ON JAILS.

## 1. REPORT OF THE COMMITTEE OF ERIE COUNTY.

BUFFALO, *January 10, 1867.*Rev. Dr. WINES, *Corresponding Secretary:*

Dear Sir—The local committee for the county of Erie have, during the past year, continued their work in behalf of prisoners confined in the penitentiary and jail located in this city, with increased interest. One of our number, J. S. Fosdick, Esq., has regularly visited the jail on the Sabbath, for the purpose of distributing suitable reading matter, and otherwise contributing to the moral and religious interests of the inmates. We think his labors have been productive of much good, which would have been more apparent if there was a suitable room for assembling the prisoners for religious services. We hope that in the construction of the new jail, now under consideration, provision will be made for a chapel, which would greatly contribute to our facilities for imparting instruction.

On the first Sabbath in each month, we have conducted the religious services at the penitentiary. Our visits have been well received, and several cases of marked interest have had special attention. We have also supplied the prisoners there every Sabbath during the year with the *Christian Advocate*, a paper published in this city. For the coming year our committee have assumed the duties heretofore discharged by a regularly appointed chaplain at the penitentiary, and in consideration thereof the Board of Supervisors have appropriated the sum of two hundred dollars (\$200), the usual salary of the chaplain, to be expended in reading matter for the prisoners.

The necessity of a home or refuge for discharged convicts, especially females, has been painfully realized by us from the commencement of our labors. To meet this want we are gratified to learn that your Executive Board have recently appointed a committee of ladies, resident here, to be associated with us in founding such an institution, and we hope in due time to see it in successful operation.

We deem it due to Mr. Felton, our efficient superintendent of the penitentiary, to say that both himself and his estimable wife have manifested a disposition to co-operate with us in the work in which we are engaged.

Trusting alone in God for that wisdom which we so much need to guide us in our efforts for the coming year,

We remain, dear sir,

Respectfully yours,

F. P. WOOD, *Chairman.*

## 2. REPORT OF THE COMMITTEE OF WAYNE COUNTY.

LYONS, N. Y., *December 17, 1866.*

REV. E. C. WINES, D. D.

Dear Sir—Since last reporting to your Association, I have enjoyed, during nearly the entire interval, the advantage of an able and experienced colleague and coadjutor, in the Rev. R. Harrington, of this place. We have held religious services in the jail nearly every Sunday afternoon during the current year. A number of the pupils of the "Lyons Musical Academy" and other musical people, have contributed their aid, vocally and instrumentally, to enhance the attractiveness of the services, and christians of various denominations have manifested, from time to time, their interest and sympathy, by attending the services and conversing, in some instances, with the prisoners. During the summer, an increase of leisure permitted a frequent visiting of the jail on week days. The offer was made to communicate instruction in the ordinary branches of an English education to any who might desire it. Although but a few availed themselves of the offer, and the relaxed mental and moral tone of pupils so little accustomed to self-restraint needed considerable stimulating, yet there was evident, in some instances, a real disposition and endeavor to profit by the facilities afforded, and it was matter of unfeigned regret that no person of the requisite ability, inclination and leisure was found to continue these facilities statedly and systematically. The prisoners who were able to read have been for the most part pretty well supplied with reading matter. I am gratified in being able to state that they have in every instance within my knowledge fulfilled their promises to guard books loaned them from injury. With the exception of a very few disorderly cases, they have appeared to appreciate all acts and words of kindness, and all interest taken in their welfare. Their deportment at devotional services has been generally respectful and attentive, and there seems to be no reason for charging them with insincerity in their frequently expressed desires to *become better men and citizens, weak and evanescent as such*

desires, in the majority of instances, must be esteemed. The *idleness* of jail life is the great evil to which the attention and ingenuity of philanthropists needs to be particularly directed. Were it possible to provide some sort of labor, even slightly remunerative, which would give aim and purpose to their energies, it would prove of incalculable benefit, as an element of mental and moral *hygiene*. A deficiency of will-power and self-control, the consequence of habitual inactivity and of idle, no less than abandoned associations, has unquestionably a great deal to do with that chronic and well-nigh inveterate propension to crime, which attaches to multitudes of individuals and families, and returns them again and again, notwithstanding reiterated experience of the hardness of transgressor's ways, to these ignominious and uninviting abodes. Commending the eminently philanthropic and Christian cause to which your abilities and labors are devoted, to the Divine blessing, I am very cordially and respectfully your friend in Christ.

L. H. SHERWOOD.

#### REPORT OF THE COMMITTEE OF ULSTER COUNTY.

KINGSTON, ULSTER COUNTY, N. Y., *Aug.* 7, 1866.

Rev. Dr. WINES, *Cor. Secretary*:

Dear Sir—In answer to your circular of the 2d inst., I beg leave to state that the religious services at our county jail, have been continued every Wednesday afternoon, by Rev. Dr. Waters, Rector of St. John's Church. The prisoners attend almost without exception, and conduct themselves in a very exemplary manner, more so, indeed, than ordinary congregations of persons of same age without any special religious interest. The changes are so constant that little correct estimate can be formed of the advantage to the prisoners of these services. Some, however, of the worst cases are kept here by various appeals, and among these we have had frequent expressions of grateful and religious emotion. Our audience averages about thirty, and probably two hundred different persons attend during the year. For some months past, the prisoners have taken the psalmody upon themselves, thus much relieving the minister whose liturgical service and short sermons keep his voice constantly occupied. In portions of the responsive services many more of the prisoners join than formerly, and with much more apparent interest. Not a little proper pride is taken in learning and repeating the Lord's prayer, and in *teaching it to those ignorant of it*, and many of the phrases of the Litany and

Psalter, become quite familiar to the youngest. To those unaccustomed to prison labors, this is saying very little, especially when it is remembered that among our weekly audience we have numbered, during the past year, five or six murderers, whose crimes have evinced the entire absence of all redeeming features; yet some of our fellow laborers will understand how, in their slightest manifestations of interest, we have found cause to recognise with gratitude the indication that He who has unquestionably called us to this service, does not intend that the feeblest effort in his name and cause shall utterly perish. We have always avoided conversing with prisoners in regard to their especial crimes, and thus have been spared many expressions of penitence in which we could have placed little confidence. But we have not been without better evidence that some who have gone out or been removed to State prison, have carried with them remarkable apprehensions of truth, righteousness and judgment, to which they were strangers in their previous life. The writer was present a few Sundays since, at a prayer meeting in a very neglected part of the town, and during its progress, was quite affected on seeing a former prisoner rise up and express his desire to love and honor the Savior, who had found him "in a place where he would not like to be now." He is a man about 35 years old, and yet for some weeks since his discharge, had been seeking the knowledge of the alphabet at the hands of a neighbor, that he might learn to read the Bible, of which probably he had heard most in Kingston jail. Letters from the chaplain at Sing Sing speak in very encouraging terms of the conduct of some of the prisoners who have gone from our jail (and indeed before their transfer, they were able to render the authorities much aid in repressing attempts to escape on the part of prisoners who avoided our service). Among them is one convicted of murder, and lying for more than two months under sentence of death, and at the last moment commuted to imprisonment for life. He was a regular attendant at our services, conducted with the utmost propriety, and treated us with especial attention. Yet during all the term, and even while the sound of the building of his scaffold interfered with our service, he had no manifestation or expression of penitance that could justify a hope of his experimental knowledge of Christ and his salvation. After his removal to Sing Sing, his first letter-writing

day was devoted to Dr. Waters; since which time I have received two letters from him, which I enclose.

To us his case is the more encouraging from his very reticence on the subject of religious feeling during his confinement here, and his manifestations now when he has no sinister motive to advance; for he knows very well that his best friends here would be among the last to aid a farther commutation of his sentence. I think him a converted man, and I believe he is going to be a very useful man—morally and religiously—at Sing Sing. I am trying to keep him quite liberally supplied with the means of being so, and am urging upon him to do all in his power by precept and example. We work on in the jail with the unquestioned assurance that we are called to the duty, and are content to leave the issues in the hands of Him, who will not leave unnoticed a cup of cold water; yet, as a general principle, I can conceive of few places so hopeless as a county jail. With the best feelings possible, the interest of the officials is against us, and every effort is made to keep the jail as full as possible. This fosters the vices and crimes of the inmates to such an extent, as to make the place a hot-bed of evil, and wonderfully to strengthen a doubt whether we would not be far better off without any such place of detention or *punishment* (?) I understand that our sheriffs' bill for boarding prisoners the last year is about \$12,000, including an item of \$400 for tobacco! Many prisoners convicted are kept for several weeks, to their greater demoralization, before being transferred to the House of Refuge or State prison, while former inmates come back often as visitors for several days at a time. But I will not trouble you with this detail. Doubtless you have something similar from all quarters. Our duty is a very plain one, and the darker the path, the brighter will be the day at last.

Yours, in christian bonds,

H. H. REYNOLDS.

The following are the letters from a convict in Sing Sing, referred to in the foregoing report:

SING SING PRISON, N. Y., }  
September 24th, 1866. }

HENRY H. REYNOLDS, Esq.:

Sir—Your truly kind and cheering letter was received by me in due time from date, and rest assured, sir, I would have replied ere this, if I could do so in conformity with the laws that govern *this institution*.

Allow me to say, sir, that that letter, with two others which I received, one from Madame Du Bois (who is connected with the Prison Association), and the other from the Reverend Doctor Waters, has infused a spirit within me to be a true man, albeit consigned to a felon's doom and clothed in a felon's garb. I shall preserve those epistles and cherish them, together with your invaluable present, as precious souvenirs, as long as I am permitted to do so.

But I have often contemplated, with sadness, that portion of your letter which mentioned the augmentation of your Wednesday's audience, and that some are there for crimes as revolting to humanity as mine. I feel, sir, deeply sorry that such is the fact. I do pray that God's kingdom of grace and truth may be set up in the hearts of all his intelligent creatures, "that they may turn from dead works to serve the living God." As my own experience, since I last saw you, has been that "religion's ways are ways of pleasantness and all her paths are peace," I am fully confident that the only infallible remedy for the ulcerated body politic, lies in the operations of God's Holy Spirit upon the individual heart of every son and daughter of Adam; then will society be truly elevated, for in keeping God's law, which is the all important part of the moral code, we assuredly would not transgress the lesser part, which requires love to our neighbor.

I have received the religious papers you so kindly sent me at various times, for which please accept the gratitude of a convict. The receipt of them suggested to me one pleasing fact—that heinous as my crime against Almighty God and against human law has been, and for the remnant of my days cut off from all intercourse with the great world outside these walls, still I am not forgotten by those of the county of Ulster, whose consideration claims my highest earthly regard. I think, sir, without presumption, I can appreciate the obligation conferred upon one in my situation, in the christian solicitude of those whose social position is distinguished among their fellow men, for an outcast such as I am. You have but confirmed your precepts by your practice, and that such a course bears its own reward, or is at least a foretaste of a future greater reward, I do steadfastly believe.

I was pleased to hear such a good account of ———; he was the only one at any time confined with me in Kingston jail, that I could associate with. Please, sir, to say to him, I would



have replied to his very interesting letter, but I could not do so consistently.

I would also request you to say to Dr. Waters that I remember him, with all my benefactors of the county of Ulster, in the solitude of my cell, when in communion with the great Searcher of hearts. And may your joint ministrations to the miserable and degraded creatures who compose your congregation in that prison, be abundantly blessed to their reformation and salvation, is the prayer of one who has derived permanent blessings from the teachings received within those walls, which I trust will develop unto the perfect day.

I am, sir, your obedient and humble servant,

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SING SING PRISON, N. Y., *November 3, 1866.*

HENRY H. REYNOLDS, Esq:

Sir—I received your third kind communication, together with the religious publications, which latter I distributed in the shop where I am employed. I told the men from whence they came. They accepted them in a most becoming manner, and many of them have had repeated perusals.

I brought your letter to the chaplain (Rev. J. B. Smith); he read it studiously, and told me he would be glad to see you, and he would write you very soon. He told me to remind him of this matter, and as I shall do so this day, I presume you will hear from him ere long.

And here, sir, I would beg leave to mention that I have often wished, since I came here, to hear you address the unfortunate inmates of this extensive establishment. How many times has my memory brought before me the sublime (because self-denying) spectacle of two Christian gentlemen, forsaking all that the world generally consider desirable, to mingle, for the time being, amid vice and wretchedness—gory criminals and outcasts of society—urging the guilty creatures, some apparently on the verge of eternity, in language plain and practical, but eloquent: “That their only plea, their only hope, was simply faith in the merits of a crucified and risen Saviour; and that that sacrifice was fully efficacious to cleanse us from all sin, as He, the just one, suffered for us who are unjust, that we might be reconciled to God; and that if we come to him in faith, nothing doubting, He will in no

wise cast us out." Surely, this is love surpassing all human affection, and such a mission is God-like.

I am not, sir, actuated by a morbid curiosity when I write that I would like to hear you tell one thousand criminals and outcasts of a Saviour's love. Your peculiar mode of address is just that which would insure attention here, and may be instrumental, under God, of awakening some poor sinner or sinners from their lethargy, and directing them to the cross of Calvary.

Please, sir, remember me to Doctor Waters. I hope he is well. If a beneficent Providence permit, my next letter shall be addressed to him. I can never forget the Christian soldier who, true to the ensign of the Captain of our salvation, was ever at his post and nobly discharged his duty. May the Almighty Disposer of events lengthen out his useful life, with that of all others who are engaged in the laudable employment of elevating their fallen fellow creatures.

T. L. called at our shop, by permission, a few days ago. I told him I had received a letter from you, in which M. T. and he were mentioned. The old man looks quite well; his term of imprisonment expires in May. Thompson is employed at out-door labor. I see him afar off frequently, but our situations are such as impede facilities for intercourse.

I have been looking for J. B. for the last week, and I suppose he has been granted a further respite.

For myself, I feel a peace within me I have heretofore been a stranger to, and without enthusiasm I do assure you I enjoy profound contentment, for amid bolts and bars I have experienced that liberty which it belongs not to earth to give or take away.

I am, sir, your obedient and grateful servant, ———

#### 4. REPORT OF THE COMMITTEE OF TIOGA COUNTY.

OWEGO, *December 11, 1866.*

E. C. WINES, D. D.:

Dear Sir—In compliance with the request of your circular letter of the 2d inst., I enclose the report of "The Prison Reform Association" of Owego:

The Association during the year 1866, has caused the jail to be visited, with few omissions, once each week or oftener. The visitors are accustomed to hold a kind of informal service in the jail; the inmates are instructed especially on the subject of their *spiritual concerns*, and on the evils of intemperance. The exer-



cises are usually closed with prayer. Religious periodicals and a small library of religious books have been provided for the use of the prisoners. Through the efforts of the Association some improvements have been made in the interior of the jail; and at a recent meeting of the Association, a committee was appointed to memorialise the county supervisors on the subject of immediate arrangements for a new prison building, to be arranged with special reference to such sanitary provisions as will be necessary for the prevention of sickness. Arrangements have been made for a regular and systematic visitation of the jail, by persons connected with the five churches of the village, in rotation, each church having a monthly charge in alphabetical order.

We regard the character of the men having the service in charge as a reliable guarantee for the faithful performance of that duty.

Yours truly,

E. W. WARNER, *Secretary*.

We should be pleased to receive from you any suggestions with reference to the best plan for the improvement of prisoners, which you in your better judgment and greater experience may be able to offer.

E. W. W.

##### 5. REPORT OF THE COMMITTEE OF OSWEGO COUNTY.

OSWEGO, *August*, 1866.

Your committee made their annual visitation of the jail in the city of Oswego upon the 24th day of July, 1866. We found no change in its aspect. The premises were clean, well white-washed; everything seemed to be conducted in the usual orderly manner. There is no improvement in ventilation. But twelve prisoners were present, eight men and four women. One was an old prisoner, the residue were detained either upon short sentences or to await trial. One of the women had come from New York and was a vile character. Your committee have nothing particular to add to their report of last year. The visitations by the clergy of the city have been continued. They find favor with the under sheriff who is in charge of the jail; the prisoners seem to take an interest in these services, and to be pleased with such attention; we may hope therefore that they may be productive of good.

The jail in the eastern part of the county is used only as a place of temporary detention, and we have not deemed it necessary to make an examination of it. Respectfully submitted,

GEO. C. McWHORTER,  
GILBERT MOLLISON,  
A. P. GRANT.

## 6. REPORT OF THE COMMITTEE OF RENSSELAER COUNTY.

TROY, N.Y., *December 18, 1866.*REV. E. C. WINES, *Cor. Sec'y*:

Dear Sir—The jail has been visited every Sabbath morning for the purpose of distributing religious reading matter, and it has been sought for and received by the prisoners with a greater relish than most Christians seek after this kind of reading.

About 2,000 papers and tracts have thus been furnished the prisoners, and also a Bible has been placed in each cell.

The desperate character of the prisoners since the war, and the insecurity of the ancient building in which they are herded together, have rendered it unsafe to resume divine service during the year.

We hope the public will realize the importance of providing a secure place, that will be an honor to our county; where those who are most in need of the blessings and comforts of the gospel can be favored with it on the Sabbath, and where a young man awaiting his trial upon a trifling or unfounded charge can be placed in solitude, rather than in the society of the vile and vicious.

Very respectfully yours,

AMASA R. MOORE,  
WILLIAM SHAW.

## 7. REPORT OF THE COMMITTEE OF ONEIDA COUNTY FOR THE JAIL AT ROME.

ROME, *December 29, 1866.*

REV. DR. WINES:

Dear Sir—I have been unable to attend myself, or procure the services of another to attend to the religious interests of the Rome jail.

Books and papers have been occasionally provided and distributed by Mr. Fox, the jailor, and Bibles furnished for the different wards. I hope in the spring to find some one who will do this work, and be able to send you a more favorable report for 1867.

Yours, &c.,

S. G. VISSCHER.

## 8. REPORT OF THE COMMITTEE OF MONTGOMERY COUNTY.

FONDA, *December 10, 1866.*

Rev. and Dear Sir—I beg to state in reply to your inquiry, that *the jail in this place has been under my care this year, so far as respects religious efforts.* It has been visited statedly, and I have

been permitted to preach frequently to the prisoners. They always listen with attention, and are gratified with my visits and services. The number of the prisoners has not been large, but among them have been some sad instances of crime among the so called respectable classes. The jail has been well kept by the under sheriff, and though no marked result has followed its moral *regime*, yet we have hope that it has not been a lost labor.

Sincerely yours,

W. FROTHINGHAM.

#### 9. REPORT OF THE COMMITTEE OF ALLEGANY COUNTY.

ANGELICA, N. Y., Dec. 12, 1866.

Rev. E. C. WINES, D. D.:

Dear Sir—Having just received your printed circular requesting information respecting the moral and spiritual interest of the inmates of our jail, I am happy to be able to reply, that their necessities have not been neglected. As often as once each month they have been visited, conversed with, exhorted and instructed; and as often tracts and religious papers have been distributed, which in every instance were welcomed. Through the kindness of the jailor, the visitor has had free access to the cells, in each of which there is a Bible. The aged friend who has so kindly and faithfully performed these monthly services, is the Rev. D. L. Hunn, a member of my congregation, well qualified for so important a work. In addition to the above efforts, I have also made visits as opportunity offered, and always met with a welcome from the poor prisoner.

On one occasion, passing the door of a cell, I was recognized by a young man, who was anxious to converse with me on the subject of his alleged offense, for which he had been apprehended. He protested his innocence, evidently deeply moved and mortified at his situation. He was in a condition to hear of Christ and his salvation. I spoke to him of Jesus. Himself and the four who were with him in the cell gave me their fixed attention, and thanked me as I left them.

One serious difficulty in our work is the frequency of change. We are never certain of meeting the same persons on a second visit, so no continuous and systematic effort can be pursued. I hope, if spared to serve the Committee another year in this capa-

city, to report something definite as to a library, to the procuring of which I shall give my immediate attention.

With a growing interest in your cause, and a desire to promote its advancement,

I remain as ever, &c.,

E. L. BOING.

#### 10. REPORT OF THE COMMITTEE OF SARATOGA COUNTY.

BALLSTON SPA, Nov. 1, 1866.

*To the Prison Association of New York:*

The committee appointed to extend a helping hand, and exert as far as possible a moral influence over the unfortunate inmates of our county jail, would most respectfully report that they have attended to the duty as far as circumstances would permit, and have furnished suitable reading for each room.

TITUS M. MITCHELL, }  
DAVID TULLY, } *Committee.*

#### 11. REPORT OF THE COMMITTEE OF ORANGE COUNTY, FOR THE JAIL AT NEWBURGH.

NEWBURGH, December 10, 1866.

Rev. Dr. WINES:

Dear Sir—I can only answer for this place. I know not how it is at Goshen. The city missionary here, preaches once every Sabbath in the jail, and distributes tracts and other religious reading.

The community do not manifest very much interest in the matter. Perhaps it is the fault of the committee.

Yours respectfully,

G. HENRY MANDEVILLE.

#### 12. REPORT OF THE COMMITTEE OF CORTLAND COUNTY.

CORTLAND, CORTLAND CO., N. Y., }  
May 22, 1866. }

Mr. WINES:

Dear Sir—As I am about to remove from the State of New York, to take a church in Philadelphia, I write you to resign my appointment as a corresponding member of the Prison Association.

Your former reports contain all that could be said now respecting the interests of the Association in this county. No changes have occurred worthy of record, and I know of nothing to report

except what I subjoin in regard to the sheriff and his work, and which I deem valuable as an example to other officials.

I hope you will include this report in regard to Sheriff Haynes, in the next year's issue, &c.

Yours truly,

I. P. BEMAN.

Nicholas Haynes, sheriff of Cortland county, is a model officer. His own character in all respects is above reproach, and his theories are eminently right. He believes in temperance, industry and good deportment, and in his official capacity endeavors to enforce these principles. Drunken men on our streets are sure to stagger into jail, and fights and carousals are becoming unpopular because of his interference. Nothing disorderly can escape his vigor and keenness, and so our county is assuming a much higher character than she has sustained heretofore. The thoroughness of the sheriff imparts a similar spirit to the constables, and thus, the whole county is under the surveillance of a better police. And the people, appreciating such an officer, are resolved that he shall retain the office as long as he chooses.

### 13. REPORT OF THE COMMITTEE OF CLINTON COUNTY.

PLATTSBURGH, *Dec. 29, 1866.*

E. C. WINES, D. D. :

Dear Sir—Your circular asking “a report of what has been done during the past year, for the moral and spiritual interest of the inmates of your (our) jail,” was this day handed to me by Mr. Platt.

During the past year, the sheriff has received ten copies of the *Christian Messenger* (monthly), which have been distributed among the prisoners. They have also been furnished, occasionally, with tracts and other religious reading, but not to any great extent. A copy of the Bible has been kept in each room of the jail. No religious exercises have been had during the year.

I will add that copies of our county papers have been regularly furnished, and, occasionally, copies of the New York city papers.

The health of the prisoners during the past year, has been good. The beds and rooms have been kept *very* clean and well ventilated—the walls throughout frequently and thoroughly whitewashed. Water is brought directly into the jail, and there is a constant flow in the water closet. This adds greatly to the cleanliness and *health of the prison.*

Yours truly,

PETER J. PALMER.

## COMMUTATION TO UNITED STATES PRISONERS.

The following are the papers relating to this subject, which are referred to, and their publication promised, in the annual report of the Executive Committee, pp.

## 1. REPORT OF DR. GRISCOM, COMMISSIONER OF THE PRISON ASSOCIATION.

*Gentlemen of the Executive Committee :*

Judge Edmonds and myself had the honor to be appointed by you commissioners to memorialize President Johnson, with a view to obtaining for United States prisoners, confined in the penal institutions of New York, the same commutation which is allowed by the laws of the State to its own prisoners, for good conduct and industry. My colleague was unable to accompany me on this mission, and consequently the whole duty fell upon the undersigned.

On my arrival in Washington, Senator Morgan kindly furnished me with a note of introduction to the President. I called on Saturday morning, and sent in to him the note, with my card. In a few minutes I was invited into his chamber, and was cordially received. I read the memorial, to which the President gave earnest attention. On the conclusion of the reading, the President expressed his concurrence with the suggestions contained in the memorial, and his strong sense of the propriety and value of the measure proposed. Declining further argument as unnecessary, he desired me to see Mr. Stansbury, the Attorney General, submit the paper to him, and request him, in his name, to prepare the necessary order for his signature. Accordingly, I saw that officer at five o'clock on the afternoon of the same day, and presented the memorial to him, with the President's request. He immediately took it in hand, read it through, and before six had drawn up the required order in excellent style, covering the whole ground. He stated that he would have it copied and signed by the President on Monday morning, which was done according to promise, and the document promptly placed in my hands.

In the meantime, I had seen Senator Harris, and submitted to him the draft of the bill, drawn by the Prison Association, for a general commutation law applicable to all the States. This bill *was offered by him in the Senate on Monday, and referred to the*

Standing Committee on Judiciary. There is reason to believe that it will be enacted into a law the present session.

Respectfully submitted,

NEW YORK, *Dec.*, 1866.

JOHN H. GRISCOM.

2. LETTER FROM THE DISTRICT ATTORNEY OF THE UNITED STATES  
FOR THE SOUTHERN DISTRICT OF NEW YORK.

NEW YORK, *November* 12, 1866.

JOHN H. GRISCOM, M. D.:

Sir—A communication was received by me not long since from John U. Andrews, at present confined in the State Prison at Sing Sing, under sentence of the United States Circuit Court in this district. He considers that he is entitled to the benefit of an act of the State Legislature entitled "An act to alter the term for which criminals may be sentenced to State Prison, and to provide for their earning a commutation of sentence," passed April 22, 1862, and desires my opinion and influence in the matter.

The wisdom of the law in question, and the expediency of extending its benefits under suitable regulations to prisoners of the United States, I heartily concede, but State legislation cannot affect the execution of a sentence of a national court, unless the local provisions have by statute or otherwise been adopted by federal authority as the rule of proceeding.

This I do not think has ever been done as to the present case, either directly or indirectly. There is no such concession in the 15th section of the act of March 3, 1825, which authorizes the execution of sentence in the State prisons; nor is there anything in the provisions of the New York Revised Statutes, part four, chapter three, title three, section one hundred and sixty-eight, granting the use of such prisons, on which such a construction can be properly based.

I see no remedy, therefore, for Mr. Andrews, short of an appeal to executive clemency upon a state of facts which I doubt not will be found to present a just occasion for its exercise. If the facts in his case are as represented to me, it will give me pleasure to promote, by any means in my power, the success of such an application.

Very respectfully yours,

SAMUEL G. COURTNEY,

*United States Attorney.*

*P. S. This letter is intended to apply to all United States prisoners confined at Sing Sing.*



## 3. MEMORIAL TO THE PRESIDENT.

*To ANDREW JOHNSON, President of the United States:*

This memorial of "The Prison Association of New York," a Corporation created by special act of the Legislature of the State of New York, passed May 9, 1846, respectfully shows:

That the said Corporation and Association is, by the law of its creation, charged with important duties, having respect to the "amelioration of the condition of prisoners," "the improvement of prison discipline and the government of prisons," and "the support and encouragement of reformed convicts after their discharge."

To enable it to perform its functions and fully to accomplish the objects contemplated, power is conferred by various statutes of the State upon the Association, to visit, inspect and thoroughly examine, in detail, the several prisons of the State, as well as the county jails and local penitentiaries; and the Association is required by law to report annually to the Legislature of the State the result of the visitations and examinations, and to suggest such modifications in the government and discipline of the prisons, as shall seem to it proper and necessary.

In the performance of the duties devolved, and the exercise of the powers conferred, the members and officers of the Association have become, and are familiar with the system of prison discipline, and the details of prison management and the personal history and character of many of the prison inmates.

By the general laws of the State, persons convicted in the federal courts within the State for offences against the laws of the United States, punishable by imprisonment, are committed to and confined in prisons of the State, and "subject to the discipline" thereof.

In 1862, a law was enacted by the Legislature of the State, containing provisions having in view an improvement in the discipline of the prisons and the reformation of convicts, by mitigating the sentence and punishment of such as should, by uniform good conduct, give evidence of a desire to reform and lead a better life. This law was subsequently amended in 1863 and 1864, and a copy of the provision, as it stands in the Statute of 1864, is appended to this memorial.

The practical operation of this law has been all that its most sanguine projectors and friends hoped or expected; its effect upon the discipline and good order of the prisons and the morale of the prisoners, *has been in a high degree salutary, and very many*



of the convicts have earned for themselves a diminution of their imprisonment. The law has the warm sanction of the Executive of the State, and of the wardens and other officials of the prisons. About 500 prisoners, convicted for offenses against the United States laws, are now confined in the prisons of this State, and until recently it was supposed, at least by the prisoners, that such convicts would be entitled to the benefit of the law of the State as a part of the discipline of the prison, and many of them have earned the commutation or deduction from the term of their imprisonment by uniform good conduct, and have given evidence of their appreciation of the legislation and its motives and objects. The sentence and term of imprisonment of some would be shortened by several months, could they have the benefit of this act.

It is now, however, believed that the law does not operate upon the sentence of prisoners under the law of the United States, and the result will be, unless some remedy can be devised and applied, seriously detrimental to the good order and discipline of the prisoners and to the public interests.

The effects upon the United States convicts will necessarily be injurious. They will come to regard themselves as unjustly and wrongfully punished, and as the subjects of a harsh adverse discrimination under the law. The just fear is, that, wanting the inducements to reformation which are held out so effectually to others, they will become reckless and indifferent to their own future, and the punishment designed in part for their good as well as the protection of the public, will not accomplish its proper ends.

In view of the facts above set forth, your memorialists respectfully request your Excellency to take the subject into consideration, and in the exercise of executive clemency (until Congress shall by law give the benefit of the State law to the United States convicts) commute and mitigate the punishment of convicts imprisoned under sentence of the federal courts, in conformity to the requirements of the act of 1864, in reference to prisoners of the State of New York, upon the report and certificate of the officers of the prisons. Your memorialists also respectfully ask your Excellency to authorize the prison officials to inform the United States prisoners that this clemency will be extended to them upon the same terms as to the convicts under the State laws.

By order of the Executive Committee of N. Y. Prison Association.

THEODORE. W. DWIGHT, *Chairman.*

JOHN W. KEYSER, *Secretary pro tem.*

NEW YORK, November 28, 1866.

Extract from chapter 321 of the laws of the State of New York, passed April 23d, 1864:

SECTION 1. Section two, of chapter four hundred and fifteen, of the laws of eighteen hundred and sixty-three, is hereby amended as follows: An allowance for good conduct shall be made of one month on each of the first two years; of two months on each succeeding year to the fifth year; of three months on each following year to the tenth year; and of four months on each remaining year of the time of their imprisonment. The inspectors of State prisons, and the respective boards or committees entrusted with the general management of the several penitentiaries in this State, by the warden, superintendent, or other officers having charge thereof, may make this section applicable to convicts now imprisoned in the several State prisons and penitentiaries, to the end that such convicts may receive the benefit of their good conduct in the past.

#### 4. MEMORANDUM OF GOVERNOR FENTON, GIVING HIS APPROVAL AND SANCTION TO THE MEMORIAL TO THE PRESIDENT.

EXECUTIVE DEPARTMENT, }  
ALBANY, N. Y., *December 4, 1866.* }

I concur in the views so well expressed in the within memorial. The principle involved in the prayer to the President, and in the proposed enactment of Congress, is highly important, and has been proved both wise and humane in its operation in this State. I commend the subject to the favorable attention of the President and of Congress.

R. E. FENTON.

#### 5. EXECUTIVE ORDER.

*Whereas*, by the memorial of the Prison Association of New York, a corporation created by a special act of the Legislature of the State of New York, passed May 9th, 1846, it is represented to me that, by various statutes of the State of New York, important powers and duties are conferred upon that Association in reference to the amelioration of the condition of prisoners and convicts confined in the prisons and penitentiaries of that State; and especially that, by the first section, chapter 321, of the statutes of that State, passed April 23d, 1864, certain rates of reduction in the times of confinement of prisoners are provided, as an inducement and consideration for good conduct, and faithful and

diligent attention of the convicts in the observance of the regulations of the prisons, and in the performance of the work imposed on them;

And whereas, it is deemed reasonable and expedient that, as to prisoners in said prisons and penitentiaries, confined under sentence by the courts of the United States, similar favor and inducements to good conduct should be granted, and I have been requested by the said Association to extend to such convicts the hope and assurance of the same favor;

Now, therefore, I, Andrew Johnson, President of the United States, do hereby authorize the wardens and other principal officers of the said prisons and penitentiaries to inform the convicts so in confinement for a term of years, under sentence of the civil and military courts of the United States, that I will extend to them the same clemency and abatement of time, upon the same terms provided for the convicts under sentence of the courts of the State.

ANDREW JOHNSON, *President.*

EXECUTIVE MANSION, WASHINGTON, *December 10th, 1866.*

6. CIRCULAR LETTER ADDRESSED TO THE CHIEF OFFICERS OF THOSE PRISONS IN THE STATE OF NEW YORK IN WHICH UNITED STATES CONVICTS ARE CONFINED.

OFFICE OF THE NEW YORK PRISON ASSOCIATION,  
38 BIBLE HOUSE, NEW YORK, *Dec. 15, 1866.* }

Sir—The attention of the New York Prison Association was recently drawn to the fact that United States convicts, confined in our State prisons and penitentiaries, do not receive the benefit of the "commutation system," established by the laws of this State for State convicts, and are not allowed to participate in any form in the present prevailing policy of remitting a portion of a convict's sentence on account of his good conduct while in prison. Believing that such an arbitrary distinction between two classes of prisoners, under discipline in the same institution, is both unjust and impolitic, the Association, at its last meeting, appointed a committee to petition Congress to pass a law removing this inequality, and giving United States criminals, hereafter sentenced to confinement in State institutions, the benefit of such remission, and privileges as are therein allowed to State convicts. As it was supposed that any law upon this subject could not have a retroactive effect and discharge persons already under sentence, the same committee was directed to ask the President of the United States

to extend executive clemency to these convicts in such a manner that the benefits of the commutation system of this State may be impartially applied to them.

In pursuance of this action, the committee of this Association has caused a bill to be introduced into the United States Senate, containing provisions suited to accomplish the purposes designated.

The President promptly and readily acceded to the request of the Association, and issued an order extending the benefits of our commutation system to United States convicts now undergoing imprisonment in the penal institutions of this State. A copy of the order accompanies this note.

The mode of carrying the President's humane intention into effect is understood to be, that the names of convicts who have so conducted themselves as to deserve commutation, are to be sent to him in the same manner and under the same regulations as they are transmitted to the Governor of the State, whereupon the remission of the sentence will be immediately granted.

This Association congratulates you on this action of the President, both because a fruitful source of discontent and complaint is now removed, and because good conduct in prison is to receive an uniform and appropriate reward. Your immediate attention to this matter is solicited, in order that the President's design may have its complete accomplishment.

In behalf of the New York Prison Association,

I subscribe myself, with much respect,

Yours very truly,

THEODORE W. DWIGHT,

*Chairman of the Executive Committee.*

**7. DRAFT OF AN ACT PREPARED BY THE PRISON ASSOCIATION, IN RELATION TO PERSONS IMPRISONED UNDER SENTENCE FOR OFFENCES AGAINST THE LAWS OF THE UNITED STATES.**

Be it enacted by the Senate and House of Representatives of the United States, in Congress assembled,

§ 1. That all persons convicted of offences against the laws of the United States, and imprisoned in the prisons or penitentiaries of the several States, in execution of the judgment and sentence upon such conviction, shall be entitled to, and shall have the benefit of any and all laws of the State in which they are or shall be so imprisoned, granting and assuring to persons convicted and imprisoned for offences against the laws of the State, as a reward

for, and incentive to good conduct and obedience to the rules and conformity to the discipline of the prison, any mitigation of their sentence, or reducing the term of their imprisonment, or any other privileges or immunities whatever.

§ 2. It shall be the duty of the respective district judges of the several districts of the United States, to cause this law to be executed, and to receive and pass upon the evidence authorized by the said State laws, and to give and furnish to the warden or other keeper, of the prison, the proper certificate, warrant or authority for the discharge of any convict imprisoned as aforesaid, upon a conviction under the United States laws before the expiration of the term of his sentence, or for other mitigation of his punishment in pursuance of the provisions of the State laws aforesaid, and such convict shall thereupon be discharged from imprisonment, or his punishment otherwise mitigated, as the case shall require, in conformity to the said State laws.

## REPORT OF THE DELEGATES TO THE AMERICAN ASSOCIATION FOR THE PROMOTION OF SOCIAL SCIENCE.

The undersigned, delegates from the Prison Association of New York to the American Association for the Promotion of Social Science, beg leave to submit the following report :

The meeting which we were appointed to attend was the first annual meeting of the Social Science Association, organized a year ago in Boston, Mass. A special meeting had been held in December of last year, at which several valuable papers were read, and important discussions held on the subjects to which they related. There had also been held last spring, under the auspices of the Association, a highly interesting meeting of the officers and friends of Reform Schools and Houses of Refuge in the United States, at which this Society was represented by one of its oldest and most active members.

The annual meeting was held in the city of New Haven, Conn., on Tuesday and Wednesday, the 9th and 10th inst., and was well attended by members from different parts of the country, and also by citizens—ladies as well as gentlemen—of that ancient seat of learning. Papers of great ability and importance were offered, and discussions, no less able and valuable, elicited thereupon. *The interest was sustained throughout the entire exercises, and*

the only regret felt seemed to be that more time had not been allotted to them. Four days, instead of two, might have been readily and profitably expended in discussion upon the many important themes brought to the notice of the Association, either in written essays or extemporaneous addresses.

The Association met at 10 o'clock, A. M., on Tuesday, in the Council Chamber of the city of New Haven, which had been kindly tendered for its use by the city authorities, and was welcomed by Mayor Sperry in a few appropriate remarks, to which Mr. F. B. Sanborn, one of the secretaries, returned fitting thanks.

Gov. Hawley, of Connecticut, was temporarily called to the chair, and, on assuming it, said that the welcome of New Haven was the welcome of the State, which had been honored by being selected as the place for deliberations, in which, not Connecticut alone, but the whole country, would take a deep interest.

In the absence of Prof. W. B. Rodgers, the president, who was detained by sickness, the Hon. Amasa A. Walker, of Massachusetts, was unanimously elected vice-president, and presided with dignity and ability over the subsequent sessions of the Association, Gov. Hawley, however, retaining the chair throughout the morning session.

In the absence of the president the opening address was delivered by the corresponding secretary, Samuel Eliot, LL. D., of Boston. This was an able and scholarly paper, in which the secretary sketched the history of the Association during its brief career, showing, as the clear result of one year's experience, that the Society is needed and will be sustained; defined what social science is, and pointed out how broad and comprehensive is the field which it embraces, being equivalent to the science of society, of civilization, of whatever belongs to man as a social being; invoked the co-operation of all to whom any of the problems of social science are objects of inquiry; showed what has recently been done and what is now in contemplation, in the way of enlarging the means of juvenile reformation in New York, New Jersey, Virginia, Indiana, Illinois and Iowa; and presented a bird's-eye view of the labors of various organizations, having in view the rescue and salvation of children, the improvement of the condition of the poor, the reformation of criminals and the advance of prison discipline. Among others, he referred to the Prison Association of New York, and complimented it as showing a high *degree of vitality and energy* in its work, and as engaged in duties



as promising as they are important, especially that which it is now prosecuting—the examination of the prisons of the State by sworn testimony.

This was followed by a discourse from the Rev. C. F. Barnard, of Boston, on Early Training, as a Means of Preventing Pauperism and Crime. He believed that the destiny of the greater part of the human race is fixed before they reach the age of five years, and regarded early training as standing between every child and the evil one. Children must not be left to play around the streets, under horses' hoofs, or they will surely come to ruin. Edinburgh has rid herself of young paupers and criminals, by putting them all into an institution finely adapted to their culture. Frobel's Kindergarten school, in Germany, was saving all its pupils from evil lives, and making them pure. Mr B. related many interesting facts, confirming his main position, which it would take too much time to rehearse.

Clarence Cook, Esq., of New York, then read a paper on the Art of Design, as applied to American Manufactures. This was an exceedingly well written paper, vigorous in conception, clear and graceful in style, and, in some passages, of epigrammatic point and pungency. We cannot attempt an analysis. The author complained bitterly of the indifference to this species of culture, shown even in our best manufactories, those managed by able and intelligent men. He admitted that all needful attention was given to the physical comfort, the health, the moral well-being, and the intellectual culture by libraries, reading-rooms, lectures, &c., of their workmen; but added: "I do not know one [manufactory] where anything is being done to educate American boys and girls in the arts of design, so that in time we may hope to depend on ourselves for our decorative workmen, and not go on forever stealing our designs from abroad, or depending for them solely on foreign draughtsmen, as we do to-day." He insisted on the necessity for such education of our countrymen and countrywomen in the arts of design, or we never should be able to make American manufacturers rival those of England and France.

The Association re-assembled at half past two o'clock, P. M., Vice-President Walker in the chair.

The first business in order was to hear a paper prepared by Robert M. Hartley, Esq., of New York, which was read by his son, the title being Female Labor; its Difficulties and Wants in Cities. Mr. Hartley's long connection with the New York Asso-

entirely for improving the condition of the poor, added to an original aptitude for such investigations, constituted a pre-eminent qualification for the lucid and practical treatment of the subject assigned him. Nor did he fail to meet every reasonable expectation. He first glanced at the several classes of female workers—domestic servants, laundresses, those who engaged in ordinary house labor, and sewing women in their several divisions and gradations of skill, pointing out what a bitter struggle many of them have, to obtain even the scantiest livelihood. He next glanced at the relations of capital and labor, showing, in a few luminous sentences, the immutable laws which control those relations, and the folly of attempting to fight against them; they are the workmanship of the Creator and cannot be overthrown. He then, with keen analysis, traced the evils connected with female employment to their rise and fountain, in a defective, one-sided, abnormal, irrational female education, meaning by this term all the influences that go to form woman for the sequel of her life. And, finally, he showed that the remedy for the evil lay, not in new forms of labor, nor in any arbitrary or forced division of labor between the sexes; but, first, in a re-education of society to juster ideas, and then, as a consequence, the adoption of a wiser and more practical training of the daughters of all our citizens, from the highest to the humblest in the community.

This paper gave rise to a wide and able discussion, not so much on the special theme treated by Mr. Hartley, as on the general relations, methods, and necessities of labor in our country; a discussion which drew in the greater part of the prominent members of the society, and was several times resumed after the interjection of other papers, but to attempt a report of which, even within the briefest limits, would swell this report beyond all reasonable bounds.

The only other paper read at this session was a most interesting one by the Hon. Gideon Haynes, warden of the Massachusetts State prison, on Prison Holidays. Mr. Haynes has, within the last three years, adopted the novel plan of giving the inmates of his prison one or two hours of recreation in the prison yard, on all public holidays, during which they are allowed perfect liberty to converse with one another and to engage in all sorts of athletic games. They have now enjoyed, altogether, some twelve or fifteen of these seasons, and Mr. Haynes claims that the influence



upon the prisoners has been in the highest degree salutary and reformative.

The first paper read at the evening session was by Ex-Governor Washburne, of Massachusetts, on the relation between statute and common law. Abstract and recondite as was the Governor's theme, by the clearness of his statements; the easy flow and polished grace of his style, and his admirable elocution, he held the audience in fixed attention for a full hour. He drew the distinction between written and unwritten, that is, between the statute and common law; traced the sources and pointed out the greater breadth of the latter; defined the limits within which the courts could fix the meaning of the law; showed how popular sentiment bears upon and sometimes controls the administration of laws; emphasized the importance of having wise law-makers; urged the necessity of compensating judges so as to place them beyond the reach of all improper influences; denounced the policy of making them dependent on popular suffrage; and insisted that, since they need a long and laborious special training for their duties, their tenure of office should not be temporary, but during good behavior.

At the conclusion of Mr. Washburne's discourse, one of the undersigned was called to the stand and read a paper on The Contract System of Prison Labor; in which, after defining what the contract system is, he showed, by a wide array of proofs, to what an extent it obstructs the financial interests of the State; how it disturbs and impairs the discipline of the prisons, and how it interferes with the reformation of the prisoners and their preparation for a return to civil life by hindering, first, their intellectual training; secondly, their moral culture, and, thirdly, their acquisition of a trade; education, religion, and the mastery of a business, being the three most important agencies in effecting a radical and permanent cure of the criminal classes.

Three sessions of the Association were held on Wednesday, the 10th, as on the preceding day. In the morning session a very able and learned paper on The Infectious Nature of Cholera, was read by Dr. Wm. Read, of Boston; another by Dr. Edward Jarvis, of the same city, on The Connection of Food with Health and the Responsibility of Housekeepers; and a third by F. B. Sanborn, Esq., on Dr. Blanchet's System of Teaching Deaf Mutes in Common Schools. A leading feature of this system is to teach *mutes to articulate*, and to mingle them with children who speak.

A long, able and interesting discussion was had on the subject of this paper, which occupied a considerable part of the afternoon session. Messrs. Turner, Stone, Day and Gallaudet, all of them experts, earnestly opposed Dr. Blanchet's system, first, as being no novelty but an exploded heresy, and secondly, as utterly visionary and impracticable.

At the conclusion of this discussion, the Hon. David A. Wilder, of Boston, read a paper on Improved Dwellings. The chief point in his plan was the substitution of the octagonal for the square form of houses, as being cheaper, more economical of space, safer in case of fire, better adapted to ventilation and the admission of light, and more easily and thoroughly heated. He did not expect that his plan would be accepted at once, but thought that it would be in time.

In the evening, one of the undersigned gave an extended account, orally, of the Irish system of convict prisons, which called forth approving remarks from Messrs. Sanborn, Wilder and Walker.

Resolutions of thanks for courtesies received from the authorities and citizens of New Haven, and of greetings to the British Association for the promotion of social science, then in session at Manchester, England, closed the labors of the first anniversary of the society, which, at ten o'clock, P. M., adjourned *sine die*.

The Association may well be congratulated on the eminently successful beginning it has made, in a field as broad in the range, as it is important in the nature, of its investigations. Its aims are lofty and beneficent. To extend the domain and increase the power of education; to improve law; to soften the rigors, without impairing the terrors of justice; to repress crime by preventive and reformatory measures; to stimulate industry, and at the same time to mitigate its toils; to impart to the poor providence and thrift; to foster commerce and trade by extending a knowledge of their laws; to promote international amity and peace; and to give the utmost practicable effect to the great doctrine of human brotherhood—such are the high and worthy ends which the Association is seeking to accomplish. May Heaven speed the work and hasten a consummation to which so much enlightened and earnest labor is directed.

All of which is most respectfully submitted.

E. C. WINES,

G. B. HUBBELL,

Delegates.

NEW YORK, Oct. 18, 1866.

## LETTERS FROM CORRESPONDING MEMBERS ABROAD.

## 1. A LETTER FROM MR. COMMISSIONER HILL.

HEATH HOUSE, STAPLETON, BRISTOL, ENGLAND, }  
July 18, 1866. }

My Dear Sir—I received your last kind letter a few days ago, and was gratified by your friendly approval of our reception of Mr. Hubbell. We found him very intelligent, and much in earnest to gather up all the information which the brevity of his sojourn permitted him to obtain.

I shall be very glad to receive the report you kindly promise me. I hope you do not spare our shortcomings. Sincerity, when joined to friendly sentiments, is most valuable, and not the less so when severe. All the world is in its infancy as regards the treatment of criminals, and requires the aid of mutual suggestion and criticism. Yet the critic should always bear in mind how much the system of each country will necessarily vary according to its advantages and disadvantages. You appear to me to have an advantage of almost immeasurable value over us, in a scattered rural population, demanding the aid of a multitude of laborers. This will enable you, and perhaps already does so, to place criminals, old and young, when reformed as far as they can be while under confinement, in situations in which the motives to well-doing are stronger, and the temptations to relapse much fewer than they can be in our condensed population, competing with each other for the means of subsistence in what is not seldom a desperate struggle.

In Massachusetts, my friend Mr. Sanborn seems almost engrossed in a consideration of the consequences to be derived from this advantage, which, great as it is, I am inclined to think he somewhat over-estimates. He would make the reformatory school a mere caravanserai, and would dispose of the youths as rapidly as places could be found for them. But unless I misunderstand the position which a young malefactor, however well-intentioned, will hold with his employer, he would not attain any tincture of school knowledge, which would be a great loss to him. Still I have no doubt that Mr. Sanborn has seized the true principle.

We are still suffering here, as doubtless you are also to some extent, for want of the public mind being duly pervaded with the principles of reformatory treatment, which leads to great fluctuations of sentiment; sometimes harshness is invoked, and sometimes

pernicious indulgence becomes popular. But right views are, I am glad to say, making a steady progress.

In entertaining this opinion, I hope I am not unconsciously yielding to a bias, to which every man of my age must be exposed. Feeling that his season for aiding in the establishment and diffusion of sound principles is passing, or rather has passed away, he is fain to console himself with the hope that progress cannot be stayed, but will continue, however many workers may find their time of labor gone by.

I hope you receive the publications of the Social Science Association; but if you do not, I would venture to suggest the propriety of your proposing a mutual subscription, as the simplest means of obtaining and affording a regular supply of information.

I have asked my friend Mr. Murray, one of the directors of the Irish Convict Prisons, and the inspector of Irish Reformatories, to send you his Report on Reformatory Schools, just published.

Mr. Sydney Turner, inspector of British Reformatory and Industrial Schools, has just published his annual report. If you have an agent in this country, it perhaps might be suitable to ask him to send you a copy of each of the authorized reports connected with the treatment of criminals, which is likely to interest you.

I cannot but think that such a duty as this might naturally be expected to be performed by the gentlemen connected with your legation to our court. After suffering these young men to remain in idleness and frivolity, we have at length begun to utilize our own secretaries and attachés to a considerable extent, and are now obtaining very important information through their means. But each nation must take its own course, and will scarcely endure much interference.

Let me beg of you to avail yourselves of every opportunity of sending your friends to us when any are coming whose pursuits and qualifications enable them, and make them desirous of obtaining such information as we can afford. We shall consider it a privilege to exchange ideas with them, and to furnish them with all such assistance as it may be in our power to render.

Believe me, dear sir, with fervent wishes for the success of your praiseworthy labors, and for the preservation of your health and strength,

Very sincerely yours,

M. D. HILL.

REV. E. C. WINES, D.D.

## 2. A SECOND LETTER FROM MR. COMMISSIONER HILL.

LONDON, *July 27th*, 1866.

My Dear Sir—I have to acknowledge with thanks, the arrival of your twenty-first report of the Executive Committee of your Prison Association, which I have read with deep interest.

Your answer, which you insert in it, to a letter of mine, has suggested a doubt as to whether I have asked you to thank Dr. Dwight for his assistance in the preparation of that document, from which I have derived most valuable information. I beg, therefore, that you will kindly supply my omission, if I have made it.

Your remarks on the state of our convict prisons, as represented in Miss Carpenter's book, are well founded, as showing a lamentable state of things; but great improvements have been made since she wrote, and our English convict prisons are now assimilated in a considerable degree, to those of Ireland—the conduct and results of which are admirable. Still, we cannot boast of so small a proportion of relapses as in your prisons; the difference, indeed, is enormous; but you will permit me to doubt whether your superiority is due to your prison discipline.

I may be mistaken, but I cannot attribute it to such a cause. To me it appears that you owe it to the unspeakable advantage you have over us in the high value of labor, skilled and unskilled, in the United States. Your prisoners, after discharge, can maintain themselves by honest means, with far less difficulty than is encountered by ours; who, when they go forth from the prison gates, have to encounter a severe struggle, first, to obtain employment, and then to keep it. These difficulties are, I trust, diminishing, but they are still such as to make the disposal of our ex-prisoners a work of trouble and anxiety.

But I enter on these comparisons with reluctance, lest they should degenerate into national heart-burnings.

For myself, I am too thoroughly impressed with the great defects which are yet to be found in our own system to come under the dominion of a boastful spirit.

You will not, I am sure, be surprised that I should have read your strictures on the administration of criminal justice in your reports, on the unfitness of many of your officers for their duties, and on a wide-spread laxity in the performance of them, with feelings which I regret to entertain as regards any of your institutions. In particular, I grieve to learn that your justices of the

peace, a most important body of men, are lower in social and moral status than heretofore, insomuch that the office is not sought by the better classes. It is not so with us at present. Your suggestions for raising the character of these magistrates deserve respectful consideration; but to be frank, I cannot consider them as likely to accomplish your object. I learn incidentally that your justices retain their fees for their own use. This was once so in England; and the justices thus acting were called trading justices.

They have gradually died out, and a magistrate would be considered as degrading himself, if he retained fees for his own use. They go to remunerate the clerk, an officer who has gradually risen into importance, and is almost universally an attorney regularly bred to the law.

You speak, too, with animadversion, of many of your district attorneys—perhaps I should rather say of *some* among them—stating, that as a body, they deserve and enjoy the respect of the community. But the powers which they are permitted to exercise over the fate of prisoners, is so extensive, and of necessity so ill-defined, that without reading your reports, I should have arrived at the conclusion that serious abuse must inevitably grow out of such a system. The State must contain sixty such officers, and it is very difficult to believe that sixty individuals will be chosen, each of whom can be trusted with the responsibilities he is called upon to sustain.

HEATH HOUSE, STAPLETON, }  
BRISTOL, *Nov. 3rd*, 1866. }

My letter to you has remained a long time unfinished, but illness, a press of business and other impediments, have risen up against me. The consequence is, that many observations with which I intended to trouble you, have leaked out of my defective memory, and you are spared the task of reading them.

I have now to acknowledge your favor of October 12th, which I do with many thanks. The pains you have taken to put me in possession of Green's case, are so far beyond anything I expected, that I reflect upon myself for having occupied so much of your time, and that of the eminent men whom you consulted. Perhaps you will have the kindness to express my thanks to the Hon. Robert C. Winthrop, when you see him.

Your countryman, Dudley D. Field, Esq., is now in England, and my daughter delivered my message to him at the social



science meeting held last month in Manchester. His contributions there were highly valued, and he is about to give an address in London to the Social Science Association, which, we trust, will stimulate law reform in this country, as we are not satisfied with our rate of progress. I have invited him to visit me, but he fears his time will not permit him to come, while my health does not permit me to seek him in London.

I shall look forward with interest to the report by yourself and Dr. Dwight on the prisons and prison systems of eighteen States of your Union and of Canada. I rejoice at your prospect of freeing the administration of your prisons from the influence of party politics.

I have read a short report of your meeting at New Haven. I am glad you have established a social science association, but I would venture to suggest that, in the present state of feeling which unhappily exists in our respective countries, it is hardly wise to introduce national reflections, except imperatively called for, and then, I am sure, you will agree that great care should be taken not to go beyond the bounds of justice and courtesy. For instance, free trade with England is called "an English monopoly," an abuse of terms which would be ludicrous if it were not painful. Again, education in England was made, it was said, a sort of helot in comparison with that of Prussia and France, i. e., it was held up for scorn!

With ardent wishes for the success of your invaluable labors and those of your colleagues,

I remain, my dear sir,

Very truly yours,

M. D. HILL.

Rev. E. C. WINES, D. D.

P. S.—Our friend, Miss Carpenter, has arrived safely in India. At the date of her last letter she was in the neighborhood of Bombay, in good health, and with high expectations of being useful in promoting sound education of the female native population of our vast possessions in India.

3. A LETTER FROM FREDERICK HILL, ESQ., FOR MANY YEARS INSPECTOR OF PRISONS IN SCOTLAND, AND SUBSEQUENTLY IN ENGLAND.

LONDON, *January 15, 1867.*

Sir—I thank you for the copy you were so good as to send me of the *twenty-first annual report* of your Association, which con-

tains matter of great, though much of it, of mournful interest. The amount of crime shown by your report to exist in the State of New York, its increase, the advancing organization of malefactors, and, above all the extent to which justice is at present polluted, and the arm of the law paralyzed, are most melancholy and alarming; but your Association have taken the first step towards the removal of these evils by the uncompromising and courageous manner in which you have brought them to light. And in a community like yours, the latent power of the good must be so much greater than the power, whether latent or open, of the bad, that the better part of society have but to bestir themselves to obtain a swift and complete victory.

To advert to the special subject of prisons, I am sorry to observe the generally bad state of the local prisons, but congratulate you on the improvements made in the State prisons. I heartily agree with you in the great importance of productive labor in a prison; indeed, I consider it the foundation of every good system of discipline. By a remarkable coincidence in time, when, as appears from your report about twenty-five years ago, the plan of giving prisoners a stated task, and then allowing to them, for their own benefit and that of their families, the value of any overwork they may do, first suggested itself in your State and began to be adopted, I, unaware of what you were doing, devised the same arrangement in Scotland, where I then held the office of inspector of prisons, and after a time it became the rule (with highly beneficial results) in every prison in that part of the kingdom. A reference to the accompanying book,\* of which I request your acceptance, will afford more information on this topic.

I am, sir, your obd't servant,

FREDERICK HILL.

Dr. WINES, *Corresponding Secretary of the  
New York Prison Association.*

### THE CONVICT'S FRIEND.

It has been deemed proper, as affording a striking illustration of the good effect of kindness in prison administration, to insert the following, addressed by a convict in Sing Sing prison, to Mr. G. B. Hubbell. The lines, while showing a high degree of sensi-

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\* *An able and most valuable work on crime by Mr. Hill himself.*



bility, evince considerable talent and skill at versification. They were sent without signature, and Mr. H. has no idea who the author is.

*To the Hon. G. B. Hubbell, formerly Agent and Warden of Sing Sing Prison.*

BY A CONVICT.

The Convict's Friend! the Convict's Friend!  
 The people muttered "shame"! 31 M-2  
 That one so good should condescend  
 To bear so vile a name.  
 He heeded not their idle words,  
 Felt not their harmless stings;  
 His master was the Lord of Lords,  
 He served the King of Kings.  
 And when the jealous world complained,  
 Or cared not to commend,  
 He only smiled, and still remained  
 The friendless Convict's Friend.

Till angels from above shall deign  
 To come at mercy's calls,  
 We ne'er shall see his like again  
 Within these prison walls.  
 With firm but gentle hand he curbed  
 Our wild and wayward wills,  
 And calmed the storm that once disturbed  
 Mount Pleasant's\* peaceful hills.  
 He would not break our stubborn hearts;  
 He only sought to bend  
 By gentle means and kindly arts,  
 And be the Convict's Friend.

His Christian spirit sympathised  
 As only Christians can;  
 And in each convict recognised  
 A fallen brother man.  
 And we to him could always go,  
 As to a father dear,  
 And pour our tales of grief and woe  
 In his attentive ear;  
 And none who sought him failed to see,  
 Or failed to comprehend  
 Why he alone of all should be  
 The Convict's steadfast Friend.

He knew what others never knew,  
 Felt what they never felt;  
 He did what others never do,  
 Dealt as they never dealt.  
 Where others saw unmingled vice,  
 And mental, moral dearth,  
 He saw, with sense more just and nice,

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\* Sing Sing was formerly called Mount Pleasant.

The accidents of birth;  
 A thousand hidden things, on which  
 Our very lives depend;  
 And justice, love and mercy teach  
 The honest Convict's Friend.

He would not grind us down for pelf  
 In this accursed den;  
 He rather chose to wrong himself  
 Than wrong his fellow men.  
 And if for true or fancied wrong  
 We sought and claimed redress,  
 He listened patiently and long  
 And answered "no," or "yes."  
 But with his judgments, just and kind,  
 We dared not to contend;  
 We recognized a master mind  
 Within the Convict's Friend.

The hate by other men inspired  
 Was turned to love by him,  
 And his great kindness never tired,  
 While they were harsh and grim.  
 And when he made his last good-bye,  
 To come again no more,  
 Oh! there were many weeping eyes  
 That never wept before.  
 No more upon his gentle will  
 Our hopes and fears depend;  
 We miss him here, but he is still  
 The Convict's cherished Friend.

## REPORT ON THE PRISONS OF ENGLAND AND IRELAND.

BY G. B. HUBBELL.

*Gentlemen of the Executive Committee:* The undersigned having occasion, in the spring of 1866, to visit England on private business, was honored with a request from the Prison Association of New York to give some attention to the prisons of that country, and, if possible, to cross the channel and examine the Irish convict system, which has obtained so just a celebrity throughout the civilized world. To this request I readily acceded, prompted no less by my own interest in the subject than by the wishes of my colleagues in the Association. I devoted all the time I could command to the prisons and reformatories of England and Ireland, and have the honor to submit a report embodying the results of my inquiries.

### I. THE ENGLISH PRISONS.

There are, besides the juvenile reformatories, two great divisions or classes of English penal institutions: 1. The county and

borough prisons ; and, 2. The penal servitude or government prisons. These will be considered in the order named; and first, of course, the county and borough jails.

### 1. MACHINERY OF THE SYSTEM.

The county jails and borough or city prisons of England are all under the supervision of the board of county magistrates ; that is to say, the local authorities of each county. This board meets every three months in what is called quarter-sessions. They appoint all prison officers, and make all rules and regulations for the management of the prisons under their care. At each meeting they choose two or more of their own number as visiting justices for the ensuing quarter.

The powers and duties of the visiting justices cover a wide range, and are highly important. They are required to hold their first meeting the week after their appointment. At this meeting their first business is to consider the report of their predecessors and the orders of the quarter-sessions thereon, and then to make arrangements for a frequent visitation of the prisons within their jurisdiction, and for a general meeting as often at least as once a month. All the affairs of the prisons, their discipline, labor, finances, dietaries, repairs, &c., &c., come under their notice, and, within certain limitations, are subject to their control.

These officers are required to keep, in each prison, three books: 1. A visiting justices' visit book, in which are to be recorded all visits and observations made by them, either individually or collectively, together with the observations of any other justice who may visit the prison, although not appointed a visiting justice. 2. A visiting justices' minute book, in which must be recorded the proceedings of the visiting justices at all general meetings. 3. A visiting justices' order-book, in which are to be entered all orders issued by them in regard to any and all matters pertaining to the administration and discipline of the prison.

The visiting justices are further required, at each quarter-sessions, to make a report in writing of the state and condition of each prison within their jurisdiction, of the repairs, additions or alterations made or needed, of any abuses observed by themselves, or reported to them by others, in the management of the prison, and of the general state of the prisoners, as to morals, discipline, employment, labor and observance of the rules.

*Further, any justice of the peace, having jurisdiction in the*

place to which a prison belongs, may, at any time, enter into and examine the condition of such prison and of the prisoners therein, and enter any observations he may think fit in the visitors' book, to be kept by the governor; and it is the duty of the governor to draw the attention of the visiting justices, at their next visit, to any entries made in the said book.

Here we see provision is made for an effective inspection and supervision of the county and borough prisons; a provision which, as far as I had opportunity to observe, or was otherwise informed, is carried into effect with fidelity and vigor.

On the report of the visiting justices to the justices in quarter-sessions assembled of any prisoner for extraordinary diligence or merit, that body may recommend the said prisoner to the royal clemency, and if a pardon is extended to him, the visiting justice, in addition to the necessary clothing, may furnish him with any sum of money they may deem proper, not exceeding twenty shillings. They have also the power to afford discharged prisoners such moderate sum of money as may be necessary, as a means of returning to their families, or of reaching any place of honest employment.

It is the right of every prisoner to complain to the visiting justices of anything which he may consider improper in the treatment he receives from the officers, and it is their duty to examine into such complaints.

In order to secure greater uniformity in the management of local prisons, three inspectors of prisons are appointed by the Government for England, one for Ireland and one for Scotland. One of the three, so appointed for England, devotes his time to the inspection of reformatories, the other two to that of prisons. These latter divide the territory into two sections, called "northern and southern districts." Each is required to visit in person and fully to inspect every prison in his district at least once in each year, and as there are more than one hundred prisons to be thus visited and inspected, it may readily be seen that his task is no easy one, if he performs the work properly.

No prisoners awaiting trial must, under any circumstances, be placed in association with those who have been convicted and are under punishment, in pursuance of such conviction.

It is the duty of the inspector to call the attention of the visiting justices, by letter, to any irregularity he may have observed  
[Assem. No. 38.]

in a prison, or any complaint he may have to make against the buildings, the officers, or the discipline of a prison; and the visiting justices must enter a copy of such letter in their minute book. The inspectors are required to make their annual report to the Secretary of State for the Home Department, briefly stating the condition of each prison as to the number of prisoners committed during the year, the daily average of the same, recommitments, total expenditures, average annual cost, profits resulting from prison labor, number of certified cells, also of those not certified, punishment cells, yard room, the mode of lighting at night, health of the inmates, religious and secular instruction imparted to them, condition of buildings, mode of employment of prisoners, scale of diet, and such other points as may tend to throw new light on the management of the prisons.

The powers and duties of the inspectors for Ireland and Scotland, are much the same as those of the inspectors for England. Such is a brief outline of the machinery of the English prison system, so far as the same relates to the local prisons of the country.

## 2. PRISON. PREMISES AND BUILDINGS.

The prison premises vary from four to eight acres. The location selected is usually elevated and healthy, and not unfrequently beautiful. The prisons are all enclosed with brick or stone walls, well constructed, two to three feet thick at the base, and twelve to fourteen inches at the top, and about twenty feet high. The drainage is, for the most part, excellent. The grounds of most of the prisons are tastefully laid out. Some are cultivated and produce good crops of vegetables, and some are ornamented with shrubs, vines and flowers, and present a very attractive appearance. Much of the ground, however, in the yards, is arranged in oblongs and circles, surrounded by walks, in which the prisoners take their daily exercise.

All modern prison buildings, in England, are constructed of brick or stone, in most cases both materials being used. They are built on the radiating plan, originally copied after the eastern penitentiary in Philadelphia. The wings radiate from an octagon centre. Some prisons have four; some five, and some six wings. The halls run through the centre, and are lighted from the roof, the light being so managed as to produce a cheerful and beautiful effect. The capacity of the prisons varies from three to six hundred cells.

One wing is usually appropriated to the use of the officers, having a separate room for each department of the administration. There are, in each hall, from three to four galleries of cells; never more. The cells vary from seven by eleven feet to eight by fourteen feet, and from eight to ten feet high. Each cell has a water closet, gas burner and hammock. Each prisoner is supplied with soap, towel, comb, dish and spoon for his food, and with a table knife, when he has meat. Each cell is also furnished with a small table hung on hinges, so that it can be let down when not in use. A bell pull is placed in every cell, so that the prisoner can at any time call a warder in case of need. Each prisoner is furnished with a card, on which is printed the prison rules, and another on which is marked his degree of conduct. Attached to the bell pull, by a spring, is an iron card or plate, with the number of the cell painted on it. This plate springs out of the wall whenever the inmate rings the bell; an arrangement which serves the double purpose of directing the warder to the right cell, and of detecting and exposing any prisoner who may ring for an improper object. The cells, in all the prisons which I saw, are kept very clean, and are frequently washed with lime. All the prisons visited have basements, and their sites are so elevated, and the drainage so perfect, that these underground rooms seemed nearly as dry as any other part of the edifice.

Each prison has a chapel of ample dimensions for all the prisoners that can be accommodated upon the premises. It is uniformly placed in the second story of the entrance wing, directly over the rooms occupied by the officers as their business apartments, with the entrance from the second gallery of cells. Those which I saw are all of the gothic order of architecture, with groined roofs, always neatly and sometimes beautifully arranged, and well calculated to produce healthy impressions upon the minds of the prisoners. Some of these chapels have peculiar features which will be noticed in another part of this report.

All the prisons visited by the undersigned were provided with good hospital apartments, varying from one to five wards, which were well arranged for the treatment of different diseases, as well as for convenience and comfort of the patients.

No dining hall is anywhere provided, the prisoners take all their meals in the cells. The cooking is everywhere done by steam, and the arrangement for distributing the food to the prisoners is ingenious and excellent. An iron car is placed in each



gallery, with the wheels resting on the iron hand-rails which surmount the balustrades that surround the open space in the middle part of the hall; upon this car is placed a sufficient number of tin dishes, containing the prisoner's ration, to supply all the occupants of that gallery; these are all arranged alike, and, at a given signal, the officers begin at one end of each gallery, moving the cars slowly as they go, and in the space of seven or eight minutes the work is done, and the prisoners are busy with their meals.

The main prison buildings, such as I saw, are for the most part very pleasing in their external appearance. Much attention seems to be given to the proportions, and all are neatly and appropriately ornamented. A high tower of brick or stone, well proportioned, and resembling in the distance an old English castle, is attached to every prison. This tower is made useful as well as ornamental. It rises to the height of sixty to eighty feet, and serves as the ventilator to the whole edifice. Each cell is provided with a valve, which can be worked by the prisoner at pleasure, to admit cold air from the yard; a second, to admit warm air; and a third is placed in the upper part of the cell, which enters a flue connecting with the great tower. The opening of this tower is five or six feet in diameter, and the smoke pipe from the hot air furnace and cooking apparatus passes up through it to the top, thus forming a current of warm air, which operates with so much power upon the flues connecting with the cells, that the foul air is effectually and completely carried off. No offensive odor, such as is usually found in prisons, and is peculiar to them, can be detected in any of the English prison buildings thus ventilated. On inquiry of a warder, who had been a prison officer more than thirty years, how he accounted for the universal purity of the atmosphere in the English prisons, he replied that he did not believe it was all due to the mode of ventilation in use, but thought the kind of employment largely adopted did much to aid in this respect. Picking oakum is the first work performed by all prisoners, and for this purpose a small quantity of tarred rope is placed in each cell. The prisoners pick this rope to pieces, fiber by fiber, and it is thus made to emit a fume of tar, which mingles with the air in the entire building. This, he says, is always agreeable, and he thinks goes far towards purifying and deoderizing the atmosphere. How far he is correct in his conclusion must be determined by scientific men; I do not feel myself competent to *pronounce an opinion.*

## 3. OFFICERS.

The following are the officers usually composing the prison staff, with their salaries, reduced from English to American currency, annexed. The salaries are not, indeed, absolutely uniform in amount, but those given below are believed to be a fair average. Besides their salaries, the governor and chaplain are furnished with houses, gardens, &c., and the physician is sometimes provided with these conveniencies and sometimes not.

|  |            |
|--|------------|
| Governor, per annum .....                        | \$2,000 00 |
| Chaplain .....                                   | 1,200 00   |
| Physician .....                                  | 1,000 00   |
| Clerk .....                                      | 750 00     |
| Principal warder .....                           | 500 00     |
| Subordinate warder .....                         | 375 00     |
| Steward and storekeeper .....                    | 450 00     |
| Infirmery warder, per week .....                 | 7 50       |
| Gate-keeper .....                                | 5 00       |
| Cook and baker .....                             | 5 00       |
| Two night patrols inside the prison (each) ..... | 5 00       |
| Night watchmen .....                             | 5 00       |
| Schoolmaster and schoolmistress (each) .....     | 5 00       |

All subordinate officers wear uniforms, which are provided by the government, and add so much to their salary. A warder is provided for (say) every thirty or forty prisoners.

No person unacquainted with the duties of a prison officer, or having had no experience as such, can be appointed to any office in any prison, till he has had a probation of at least six months. During this probationary period, the principal warder is required to keep a daily record of his manner of performing his duty, and, at the end of the probation, this record is placed before the board of justices at their quarter sessions. If it be satisfactory, and the governor recommends the candidate, he is appointed, otherwise not. The appointment is made to run during the pleasure of the board, but it is well understood that no officer will be removed, except for good cause. Party politics has no influence whatever in the matter; nor does the influence of personal friends avail anything. The success of the applicant is made to depend entirely upon his fitness to fill the place. Applicants must first of all be persons of good moral principles, and of unblemished character. Any disreputable conduct outside of prison, the use



of improper language, the incurring of debts which he is unable to pay, the keeping of bad company, are considered sufficient to bar the appointment of a candidate; and they also furnish sufficient ground for the discontinuance of the services of officers or other persons employed in the prison.

By this rule, if enforced (as it seems to be), it will readily appear, a superior class of officers must be secured. The line of conduct for officers is printed in the form of rules, and all are required to make themselves acquainted with and obey the same with great strictness and punctuality. These rules vary somewhat in form, being suited to the different circumstances of the several prisons, but all, so far as they came under my notice, are excellent, and all have the same end in view—the most effective and successful administration of the institution to which they are applied.

#### 4. POWERS AND DUTIES OF THE OFFICERS.

I propose at this point to offer a condensed view of the powers and duties of the more important officers composing the prison staff.

*The Governor.*—He is forbidden to engage in any business; to have any dealing whatever with prisoners; to have any interest in any contract for prison supplies; nor may he permit other officers to contravene the provisions of this rule. He must reside at the prison, and not be absent for a night without written permission from a visiting justice. He must neither address irritating language to nor strike a prisoner, and must enforce the same conduct on his subordinates. He is required to keep a journal in which must be recorded occurrences of importance in the prison, particularly all punishments inflicted by his authority or that of a visiting or other justice. He must attend and see that all other officers attend divine service whenever it is performed in the prison chapel. If ever absent, he must state the fact and the cause of it in his journal. He must exact a written report daily from each officer in charge of a department or ward of the prison. He must also daily inspect every ward, cell, yard and division of the prison, and see every prisoner once at least every twenty-four hours. He must always be ready to receive any complaint or application from a prisoner. He must see that the rules relating to prisoners (printed in legible characters) be hung up in every cell, ward, &c., of the prison. Within twenty-four hours after the admission of a

prisoner, he must read or cause to be read to him such of the rules as relate to the conduct and treatment of prisoners, and this must be repeated at least once every three months. A high degree of cleanliness must be enforced in all parts of the prison buildings and premises, and in respect to the persons, clothing, bedding, &c., of the prisoners. He must see that every prisoner take a warm bath monthly at least, and that no prisoner be stripped or bathed in the presence of another. He is directed to see that the bed clothes be well aired at all times, that this be frequently done in the open air, and that sheets and blankets which have been used by one prisoner shall not be transferred to another, till they have been washed. He must see that food be distributed according to the prescribed scales of diet, and if any prisoner so require, he must cause any article of food to be weighed or measured. He must supply additional articles of food in any particular case, if ordered by the medical officer. He must not allow any dogs, poultry, pigeons, pigs or rabbits to be kept in the prison.

He must see that thermometers are placed in different parts of the prison, and that a daily record be kept of the degrees of temperature. He is to see that no female prisoner, and no boy under fourteen years of age, and no other prisoner not sentenced to hard labor, be, under any circumstances, placed on the tread-wheel, and that 22,000 feet be the maximum height which any one prisoner shall ascend on the tread-wheel in any single day; also, that no prisoner who is a Jew be compelled to labor on his Sabbath. He is to see that all prisoners have such an amount of time allowed them for instruction as the visiting justices may prescribe, whether such instruction withdraws them from their labor or not. He must, upon the death of any prisoner, notify the nearest relative of the deceased. He must keep witnesses separate from any other class of prisoners. He must have all insane prisoners removed as speedily as the law will allow. He is to prohibit gaming of every kind, and seize and destroy all dice, cards, and other instruments thereof. He must not put handcuffs or any other description of irons on a prisoner, except in case of absolute necessity. He is to keep a misconduct book, in which must be entered all cases of misconduct on the part of prisoners, which are reported or which are followed by punishment. He must attend all corporeal punishments inflicted within the prison, and enter in his journal the number of lashes and any orders which the *medical officer* may have given on the occasion. He must

notify the friends of prisoners, under eighteen years, of the day on which they are to be discharged, that they may attend to receive them, if so disposed. He must not allow convicted prisoners to see their friends until after the expiration of the first three months of their imprisonment, but after that period they may receive visits once in the course of each successive three months. Upon the special application of a prisoner of a religious persuasion differing from that of the established Church of England, he is to allow such prisoner to absent himself from chapel, and to receive instruction and counsel from a proper minister of his own choice. He is authorized to arrest and take before a justice of the peace any visitor or person outside who attempts to convey to a prisoner any liquor, tobacco or other prohibited articles. He must inspect all correspondence, and if he deem it necessary to withhold a letter to or from a prisoner, he must enter the fact in his journal, and immediately lay such letter before a visiting justice for his decision. He must make a report in writing of the actual state and condition of the prison, and of the number and description of the prisoners confined therein, to the justices at every general or quarter sessions, and must at the same time present a certificate, signed by himself, containing a declaration how far the rules laid down for the government of the prison have been complied with, and point out any deviation therefrom which has taken place. He must attend the quarter sessions in person, to answer any questions put to him.

*The Matron.*—She must reside at the prison and superintend the whole female department, under the direction of the governor, and conform to the rules laid down for him as far as applicable to female prisoners. She must daily report in writing to the governor the general condition and conduct of her department.

*The Chaplain.*—He must be a clergyman of the Church of England, and must not have any professional duties unconnected with the prison, and must reside in the official residence provided for him at the prison. Every Sunday, Christmas, Good Friday, and on all public fast and thanksgiving days, he must perform the appointed morning and evening services of the Church of England, and preach a sermon at each service. He must read prayers daily, with a portion of Scripture, in the chapel, and administer the sacrament of the Lord's supper at least four times a year, to such prisoners as may desire, and as he may deem in a proper frame of

mind to receive the same, and enter in his journal the names of all who communicate.

In addition to the performance of stated religious service, he must assemble the prisoners in classes, for general religious instruction. He must, at least once in each week, see every prisoner in private, and visit the sick daily. He must see and admonish every prisoner under charge or conviction of any crime, on admission and discharge. He must keep a prisoners' character book, and enter therein, each prisoner's name, age, character, habits, &c. He must also keep a journal, and enter therein all occurrences of importance, connected with the discharge of his official duties. He must direct the distribution of books, reject such as are improper, and see that there is a proper supply of materials for instruction. He must superintend the schools, examine prisoners as to their progress, and direct the disposal of the time of the schoolmaster and schoolmistress. He must deliver to the justices a yearly written report as to the religious and moral condition of the prisoners.

*The Assistant Chaplain.*—He is to consider himself generally responsible for the duties prescribed under the head of chaplain, and to stand in the relation of curate to the chaplain.

*The Medical Officer.*—In most prisons, he is required to attend prison daily; in some instances, however, he is required to visit the prison, regularly, only two or three times in each week, but must attend oftener, if necessary. He is required to keep a journal, and enter therein the date of every visit, and all occurrences of importance in the line of his official duty; to examine every prisoner on admission and discharge, recording in his journal their state of health, &c.; to make a minute enquiry once a month, into every prisoner's health, in presence of the governor or matron, and occasionally to inspect every part of the prison, entering in his journal the result of each inspection. He has large powers over the different scales of diet on which the prisoners are placed, being authorised to diminish or increase the food in particular cases, according to the age, state of health, and other necessities of the prisoners. He has also large powers over the clothing of the prisoners, having authority to direct additional supplies thereof, as he may deem necessary, in special cases. He may direct exercise in the open air, sufficient for the maintenance of health. He must report in writing, to the governor, all cases where the health or mind of prisoners is likely to be affected by the discipline, with

such directions as he shall think proper. He is authorized to call in additional medical aid, in cases of danger or difficulty. He must attend all corporeal punishments, and give such directions for preventing injury to health as he may deem necessary. He must give notice, both to the governor and the chaplain, when any case of sickness appears to him to assume an aspect of danger.

He must make, in writing, a yearly report to the justices, specifying, with reference to the past year, the general state of health of the prisoners, the disorders which have been most prevalent, whether any connection may be traced between the diseases which have occurred and the locality or state of the building, or the diet, employment or other circumstances; also the number of deaths, any case of insanity, the number of infirmary cases, the number of prisoners placed upon extra diet, and the proportion of sick to the average number of prisoners during the year.

*The Schoolmaster and Schoolmistress.*—They must reside in or near the prison, and devote their whole time to the duties of their offices, under the direction and superintendence of the chaplain, according to such regulations as may be prescribed for them by the visiting justices.

The schoolmaster has charge of the books and stationery, keeps a regular account of the receipt of these articles, and of the manner in which they are distributed, which accounts are to be inspected from time to time by the chaplain, by whom they must be approved.

The schoolmaster and schoolmistress are not permitted to leave the prison during the prescribed hours of their attendance without the permission of the chaplain and the governor.

The schoolmaster is required to act as chapel clerk, and to see that the chapel is properly supplied with books.

*The Gatekeeper.*—This officer is required to unlock the gates in the morning, at the hour prescribed for the admission of the officers, and to lock them for the night at ten o'clock, at which time he must deliver the key to the governor. He must not leave his post without permission from the governor, and must endeavor, by every means in his power, to prevent the embezzlement of any of the prison property, or the admission of improper or prohibited articles, for which purpose he has authority to examine all articles carried in or out of the prison, and may stop any person suspected of bringing in spirits or other prohibited articles for the prisoners, or of illegally carrying out any property belonging to the prison,

giving immediate notice thereof to the governor. He must not allow any subordinate officer or servant to leave the prison during the hours of duty, without authority from the governor. He must keep a list of all subordinate officers or servants who may go out on leave, in order that he may know whether they return at the proper time. He is not to permit any person, not known to be connected with the prison as officer or servant, to enter the gates without an order from the governor or other superior authority. It is made his duty to observe closely the appearance of workmen, carters and other strangers leaving the prison, in order that he may detect any attempt on the part of prisoners to escape in disguise.

### 5. GENERAL RULES.

I offer here the following extracts from the general rules, as adopted and enforced in the local prisons:

All officers and servants will be held responsible for being fully acquainted with the rules and orders relating to their respective duties. It is the duty of all officers to treat the prisoners with kindness and humanity, and to listen patiently to their complaints or grievances, and report them to the governor.

The great object of reclaiming the criminal should always be kept in view by every officer in the prison, and they should strive to acquire a moral influence over the prisoners by performing their duties conscientiously, but without harshness. They should especially try to raise the prisoner's mind to a proper feeling of moral obligation by the example of their own uniform regard to truth and integrity, even in the smallest matters. Such conduct will, in most cases, excite the respect and confidence of prisoners, and will make the duties of the officers more satisfactory to themselves and more useful to the public.

No officer or servant shall strike a prisoner, except compelled to do so in self-defense.

No subordinate officer shall take upon himself to punish any prisoner.

The prisoners, when in association, shall be placed under the control and superintendence of officers, whose duty it shall be to enforce silence in all cases.

No subordinate officer or servant of the prison shall unnecessarily converse with a prisoner, nor allow any familiarity on the part of prisoners towards himself, or any other officer or servant of the prison.



All officers and servants must abstain from improper language. Intoxication will be visited with dismissal, and it will not be taken into consideration whether it be a greater or less degree of intoxication, nor regarded as any excuse that the persons offending may think themselves capable of performing the duties of their situation, it being necessary that all persons connected with the prison should be perfectly sober at all times. Officers habitually frequenting public houses, or whose conduct out of the prison is in any way disreputable, will be dismissed.

All officers and servants of the prison shall punctually attend divine service with the prisoners, unless on duty, or excused by the governor or superior authority.

All subordinate officers shall pay strict attention to cleanliness of person and dress, and shall at all times, within the prison, wear a plain uniform.

All subordinate officers and servants, except those on night duty, are to retire to bed at not later than ten o'clock.

No subordinate officer or servant shall be permitted to receive any visitors in the interior of the prison.

No officer or servant of the prison shall sell any article to any prisoner, nor shall he let any article to or have any pecuniary dealings whatsoever with any prisoner, or employ any prisoner on his private account.

No officer or servant of the prison shall, directly or indirectly, have any interest in any contract or agreement for the supply of the prison; nor shall deal with, or receive, directly, or indirectly, under any pretence whatsoever, any fee, or gratuity, or present, from any contractor, or person supplying or tendering for the supply of the prison, nor from any prisoner or prisoner's friend, nor from any person visiting the prison.

No subordinate officer shall use tobacco or spirituous liquors within the prison walls, except under such instructions as to time and place as may be laid down by the governor.

Officers and servants must be careful to avoid, as much as possible, speaking about their duties, or the prison arrangements, in the hearing of prisoners.

Subordinate officers whose services are discontinued, shall be entitled to a month's notice or a month's pay. Officers, whose probation is not completed, are entitled only to a week's notice or a week's pay.

*Subordinate officers or servants must give a month's notice in*

writing previous to leaving their situation, unless the visiting justice shall otherwise direct.

All officers shall be careful not to allow any prisoners under their charge to be employed, directly or indirectly, for the private benefit or advantage of any person or persons, or in any way not in conformity to the established rule of the prison.

No officer without a special order will allow any visitor to see a prisoner in his cell, nor allow a visitor to speak to, or to have any conversation with, a prisoner.

#### 6. BOOKS TO BE KEPT BY PRINCIPAL OFFICERS.

The following books are required to be kept by the principal officers:

The governor must keep or cause to be kept, 1. A journal. 2. An order book. 3. A prison register—names, description, offences, &c., &c., of the prisoners. 4. A general daily account book. 5. A provision book—receipt and distribution. 6. A stock book—receipt and distribution. 7. Account of fines and penalties. 8. A prisoner's property book. 9. A prisoner's misconduct book. 10. A visitors' book. 11. A catalogue of books in use by the prisoners. 12. A non-resident officers' attendance book.

The matron must keep a journal. The chaplain must keep, 1. A journal. 2. A prisoners' character book. The surgeon must keep, 1. A journal. 2. A register of prisoners' health.

#### 7. SUPERANNUATION AND ANNUITIES.

The following is the regulation adopted in reference to the superannuation of prison officers, and the annuity or gratuity to be granted in such cases.

"If any officer of a prison has been an officer of such prison for not less than twenty years, and is not less than sixty years of age, or becomes incapable, from confirmed sickness, age, infirmity or injury received in actual execution of his duty, of executing his office in person, and such sickness, age, infirmity or injury is certified by a medical certificate, and there shall be a report of the visiting justice, testifying to his good conduct during his period of service, and recommending a grant to be made to him (such report to be made at some sessions of the justices holden not less than two months before the sessions at which the grant is made), the justices in sessions assembled may grant to such officer, having regard to his length of service, an annuity, by way of *superannuation allowance*, not exceeding two-thirds of his salary and emoluments, or a gratuity not exceeding the amount of his



salary and emolument for one year; any annuity or gratuity so fixed to be payable out of the rates lawfully applicable to the payment of the salaries of such officer."

#### 8. IMPRISONED DEBTORS.

The laws of England condemn debtors to prison for refusing to comply with the terms of the bankrupt act, which requires them (when insolvent) to deliver up for distribution among their creditors their entire effects, except such articles as may be exempt by law. When any debtor refuses to answer legal questions under oath touching his property, he may be sent to jail, there to remain for a length of time, as a punishment for contempt of court. Such debtors are permitted to maintain themselves and to procure or receive, at proper hours, food, *wine, malt liquor, or other necessaries*, but subject to examination and to such rules as may be approved by the visiting justices. If they are unable to maintain themselves, they receive the allowance of food, clothing and other necessaries, allotted to debtors unable to provide for themselves. The visiting justices may license or authorize such persons as they may think proper, to come in daily to supply such prisoners as maintain themselves, with such articles as they are permitted to purchase and receive.

Criminal prisoners before trial are subject to the same rules and are allowed the same privileges as debtor prisoners.

#### 9. MONEY PAID TO DISCHARGED PRISONERS.

There seems to be no fixed rule, by which prisoners are allowed a part of their earnings or any gratuity. In some cases, however, money is paid to the prisoner when he is discharged, and in other cases a small amount is placed in the hands of the treasurer of the Discharged Prisoner's Aid Society, or in case no such society is in existence in the county where the prison belongs, money is placed in the hands of some justice, to be paid to said prisoner in suitable instalments.

#### 10. MISCELLANEOUS FACTS IN THE ADMINISTRATION OF THE PRISONS.

*Punishments.*—I was informed by the governors or chief warders of the prisons visited by me, that prisoners are not frequently punished; that all punishments are fully recorded, and that all violations of rules are visited by some punishment. No record of the number of punishments inflicted being found in any of the printed annual reports in my possession, I am unable to give any *statistics on this head.*

*Non-intercourse.*—All intercourse among prisoners is forbidden. This rule may be enforced when prisoners are separately confined, but not fully when they work together in shops or gangs. The rule of silence is evaded by prisoners who work on the tread-wheel, and in fact in all places where they congregate together; and there can be no doubt that their communications are carried to such an extent as to become mutually corrupting.

*Prisoners' Complaints.*—Complaints of prisoners respecting injustice on the part of officers are investigated by the visiting justices. The testimony of prisoners is sometimes received, but it must be corroborated by that of others, or by circumstances.

*Prison Dress.*—The parti-colored dress is nowhere adopted. Nevertheless, a distinctive prison dress is in use for criminal prisoners, which varies, however, in some cases being plain grey, in others, one plaid arm, &c., &c. A new rule has lately been adopted for penal servitude or government prisons. The Knickerbocker dress, made of drab cloth, has been introduced, and is ordered to be used for all such prisoners in future.

*Lock Step.*—The lock step is nowhere in use, prisoners being required to walk, three feet apart, in order to prevent conversation as far as possible.

*Sunday Schools.*—Sabbath school instruction is given to boys by the school master, and all are required to attend.

*Daily Service in Chapel.*—The prisoners seem to appreciate the religious service held daily in the chapel, and some give promise of permanent benefit therefrom.

*Religious Offices to the Sick and Dying.*—The sick and dying appear to be faithfully attended by the chaplains, who use their best efforts to direct the minds of such to the principles, hopes and consolations of religion.

*Coroner's Inquest.*—A coroner's inquest is held over the bodies of all deceased prisoners, and the remains are delivered to friends, if they so desire. I was sorry to be informed that, when this is not the case, no burial service is held.

*Bibles, &c., furnished to Prisoners.*—Every prisoner is furnished with a Bible, Hymn Book and Prayer Book, which, it is said, are much used by those prisoners who can read. The prisoners are not allowed to form a choir, as is done in many of our prisons, but all who choose may join in singing. Many do this, and the effect is found to be beneficial.

*Baptism administered when desired.*—Baptism is administered

to such prisoners as desire and are deemed by the chaplain fit subjects for it; and the Lord's Supper is administered every three months.

*Chaplain's Visits well received.*—The prisoners, I was told, always gladly receive visits and instruction from the chaplain. Religious tracts and papers are distributed to prisoners, and it is believed by the chaplains that genuine conversions do sometimes take place among them.

*Visits of Friends.*—Prisoners are allowed to receive visits from their relatives and friends once every three months, but are forbidden to receive anything whatever from them. The apartments where these visits are held are separated by a narrow wall (say) four or five feet wide. The prisoner enters on one side and the visitor on the other. There is a partition on either side, made of wire cloth, through which these persons can hold conversation, but cannot pass any articles or come in contact with each other. An officer is stationed in the intervening space, in such position that he can see the parties and hear every word of their conversation.

*General Visitors.*—General visitors are admitted only on the order of a visiting justice and on certain days of the week. Such visits are not numerous, and no fee is ever received.

*Prisoners may bring their Difficulties to the Governor.*—Prisoners are daily allowed to see the governor, and bring their difficulties and burdens before him for the purpose of seeking relief. It is the duty of the governor to visit all prisoners daily, and if he does not, the prisoner is at liberty to send for him. This system seems to be productive of good results.

*Education of Prisoners prior to Commitment.*—From such information as I could gather, I judge that the proportion of male prisoners who cannot read is about forty per cent.; of females, fifty per cent. Of those who can read and write imperfectly, the males are about thirty-five per cent., and females (say) ten per cent.

*Instruction in Prison.*—Every prison has a schoolroom and a regular schoolmaster, and some of the larger ones an assistant; also a schoolmistress for the females. All prisoners needing instruction must attend. In some prisons instruction is given three days in each week, one hour at a time; in others the prisoners are required to attend school one hour per day. They come to the schoolroom in successive classes. Reading, writing, arithmetic.

tic, &c., are the branches taught. Most of the prisoners are interested in their lessons, and try to improve. It is believed that many of them are greatly benefited by the instruction received.

*No Task Work.*—All able bodied prisoners are required to work the whole day, or not less than six hours nor more than ten each day. Task work is neither required nor allowed, at least such is the general fact in regard to English prisons. In Scotland the usage, I was informed, is different.

*The Prison Dietaries.*—The daily bill of fare varies somewhat in different prisons, and it is under the direction of the justices. In some prisons, all classes fare alike; in others, the supply and kinds of food are varied according to the class of prisoners. All supplies are furnished by contract. The following scales of diet will give a fair average of the whole.

In Pembrokehire house of correction, the following dietary is supplied to all classes of prisoners weekly, viz.:

17½ lbs. of barley bread.

7 oz. butter.

10½ pints of tea with a little milk and sugar.

7 pints of gruel sweetened with treacle.

7 pints of pottage made with oatmeal and milk.

The following are the dietaries for the several classes of prisoners in the county prison at Warwick:

#### *Class 1.*

Convicted prisoners confined for any term not exceeding seven days :

|                 | Males.                     | Females.                   |
|-----------------|----------------------------|----------------------------|
| Breakfast ..... | One pint of oatmeal gruel. | One pint of oatmeal gruel. |
| Dinner .....    | One pound of bread.        | One pound of bread.        |
| Supper .....    | One pint of oatmeal gruel. | One pint of oatmeal gruel. |

#### *Class 2.*

Convicted prisoners for any term exceeding seven days, and not exceeding twenty-one days :

|               | Males.                                | Females.                              |
|---------------|---------------------------------------|---------------------------------------|
| Breakfast.... | 1 pint of oatmeal gruel, 6 oz. bread  | 1 pint of oatmeal gruel, 6 oz. bread. |
| Dinner.....   | 12 ounces of bread.                   | 6 ounces of bread.                    |
| Supper.....   | 1 pint of oatmeal gruel, 6 oz. bread. | 1 pint of oatmeal gruel, 6 oz. bread. |

Prisoners of this class, employed at hard labor, to have, in addition, one pint of soup per week.

*Class 3.*

Convicted prisoners employed at hard labor for terms exceeding twenty-one days, but not more than six weeks; and convicted prisoners not employed at hard labor for terms exceeding twenty-one days, but not more than four months :

|                               | Males.   | Females.   |
|-------------------------------|--|--|
|                               | Breakfast.—1 pint of oatmeal gruel; 6 oz. of bread.                                | 1 pint of oatmeal gruel; 6 oz. of bread.   |
| Sunday and Thursday,          | Dinner.—1 pint of soup; 8 oz. of bread.  | 1 pint of soup; 6 oz. of bread.  |
| Tuesday and Saturday,         | 3 oz. of cooked meat, without bone; 8 oz. of bread; $\frac{1}{4}$ lb. of potatoes. | 3 oz. of cooked meat, without bone; 6 oz. of bread; $\frac{1}{4}$ lb. of potatoes. |
| Monday, Wednesday and Friday, | 8 oz. of bread; 1 lb. of potatoes.   | 6 oz. of bread; 1 lb. of potatoes.   |
|                               | Supper, same as breakfast.   | Same as breakfast.   |

*Class 4.*

Convicted prisoners employed at hard labor for terms exceeding six weeks, and not more than four months; and convicted prisoners not employed at hard labor, for terms exceeding four months :

|   | Males.   | Females..  |
|---|--|--|
|   | Breakfast.—1 pint of oatmeal gruel; 8 oz. of bread.  | 1 pint of oatmeal gruel; 6 oz. of bread.   |
| Sunday, Tuesday, Thursday, Saturday, Monday, Wednesday, Friday. | Dinner.—3 oz. of cooked meat, without bone; $\frac{1}{4}$ lb. of potatoes; 8 oz. of bread. | 3 oz. of cooked meat, without bone; $\frac{1}{4}$ lb. of potatoes; 6 oz. of bread. |
|   | 1 pint of soup; 8 oz. of bread.  | 1 pint of soup; 6 oz. of bread.  |
|   | Supper, same as breakfast.   | Same as breakfast,   |

*Class 5.*

Convicted prisoners employed at hard labor for terms exceeding four months :—

|                                      | Males.   | Females.  |
|--------------------------------------|--|---|
| Sunday, Tuesday, Thursday, Saturday, | Breakfast—1 pint of oatmeal gruel; 8 oz. of bread.   | 1 pint of oatmeal gruel; 6 oz. of bread.  |
|                                      | Dinner—4 oz. of cooked meat, without bone; 1 lb. of potatoes; 6 oz. of bread.  | 3 oz. of cooked meat, without bone; $\frac{1}{4}$ lb. of potatoes; 6 oz. of bread.  |
| Monday, Wednesday, Friday,           | Breakfast—1 pint of cocoa, made of $\frac{3}{4}$ oz. of flaked cocoa or cocoa-nibs, sweetened with $\frac{3}{4}$ oz. of molasses or sugar; 8 oz. of bread. | 1 pint of cocoa made of $\frac{3}{4}$ oz. of flaked cocoa or cocoa-nibs, sweetened with $\frac{3}{4}$ oz. of molasses or sugar; 6 oz. of bread. |
|                                      | Dinner—1 pint of soup; 1 lb. of potatoes; 6 oz. of bread.  | 1 pint of soup; $\frac{1}{4}$ lb. of potatoes; 6 oz. of bread.  |
|                                      | Supper the seven days—1 pint of oatmeal gruel; 8 oz. of bread.   | 1 pint of oatmeal gruel; 6 oz. of bread.  |

*Class 6.*

Prisoners sentenced by court to solitary confinement:—

| Males.  | Females.  |
|---|---|
| <i>The ordinary diet of their respective Classes.</i> | <i>The ordinary diet of their respective Classes.</i> |

*Class 7.*

Prisoners for examination, before trial, and misdemeanants of the first division, who do not maintain themselves:—

Males.  
The same as Class 4.

Females.  
The same as Class 4.

*Class 8.*

## DESTITUTE DEBTORS.

Males.  
The same as Class 4.

Females.  
The same as Class 4.

*Class 9.*

Prisoners under punishment for prison offenses, for terms not exceeding three days:—1 lb. of bread per diem.

Prisoners in close confinement for prison offenses, under the provisions of the 42d section of the Goal Act:—

|                | Males.                           | Females.                         |
|----------------|----------------------------------|----------------------------------|
| Breakfast .... | 1 pint of gruel; 8 oz. of bread. | 1 pint of gruel; 6 oz. of bread. |
| Dinner .....   | 8 oz. of bread.                  | 6 oz. of bread.                  |
| Supper .....   | 1 pint of gruel; 8 oz. of bread. | 1 pint of gruel; 6 oz. of bread. |

*Ingredients of Soup and Gruel.*—The soup to contain, per pint, 3 ounces of cooked meat without bone, 3 ounces of potatoes, 1 ounce of barley, rice, or oatmeal, and 1 ounce of onions or leeks, with pepper and salt. The gruel to contain 2 ounces of oatmeal per pint. The gruel on alternate days to be sweetened with  $\frac{3}{4}$  oz. of molasses or sugar, and seasoned with salt. In seasons when the potatoe crop has failed, 4 ounces of split peas made into a pudding; rice or Indian corn may be occasionally substituted; but the change must not be made more than *twice* in each week. Boys under 14 years of age to be placed on the same diet as females.

At the present time the question of diet and prison discipline is considerably agitated in England. The belief prevails, to a great extent, that the diet of prisons is too liberal and the discipline too mild.

The remark has been made by some prisoners that they would get along as well as they could in warm weather, and return again to prison as soon as winter approaches. The authorities are now at work revising the scale of diet, with a view to reduce the same in variety and quantity, and also reconstructing the system of discipline in order to make it more exacting and rigorous.

Prisoners have gas light in the cells till eight o'clock, and the exemplary class an hour later.

*Prisoners' Clothing.*—The clothing of males is as follows.

Jacket, waistcoat, pair of pantaloons, stock or neckerchief, shirt, pair of stockings, pair of shoes, pocket-handkerchief, cap, and belt when the prisoner has been in the habit of wearing one.

The clothing of the females is the following: Dress or jacket, petticoat, pair of stockings, shift, pocket-handkerchief, neckerchief, cap, pair of shoes, other necessary articles, and stays when the prisoner has been in the habit of wearing them.

*Prisoners' Bedding.*—The following articles of bedding, at least most always supplied, viz: Hammock or bedstead, mattress and pillow, a sufficient number of blankets and coverlet.

*Clothing Furnished on Discharge.*—When prisoners are discharged, they are as far as possible furnished with their own clothing. If this has been destroyed, it is replaced with plain but substantial garments.

*Inspection of Cells and Beds.*—The cells and beds are daily inspected. No sheets or pillow cases are supplied to male prisoners; but females are commonly provided with them.

*Water Supply.*—The supply of water is usually abundant, and is furnished to the whole prison by pumps worked by the prisoners on the treadwheel.

*Cleanliness.*—The cells are furnished with a wash basin, and the prisoners are required to wash their hands and face at least every morning, and their feet once a week. Their under garments are changed every week. They are shaved weekly, and their hair cut as often as needed to preserve health.

*Diseases most prevalent.*—Venereal is the prevailing disease; a very small proportion of the adults, coming from the larger cities, are free from this complaint. Other diseases, such as consumption, fevers, asthma, sore throat, scurvy, fistula, rheumatism, bronchitis, diarrhoea, colds, &c., &c., prevail more or less extensively. No miasms are engendered in any of the modern prison buildings. A large share of the suffering by disease is superinduced by previous dissipated and riotous habits.

*Death rate.*—The death average from one to one and a half per cent a year.

*Health of Prisoners during their Incarceration.*—Very many prisoners seem to gain strength during their incarceration. The powers of the constitution regain their tone, so that disease readily yields to medical treatment in all ordinary cases.

*Still the effect of imprisonment on the health is not always good; some prisoners droop and fail under it. This applies chiefly to*



those of the finer sensibilities, and such as have lived in affluence before entering prison. Those who are most ignorant and brutish retain their health longest.

*Insanity.*—Few cases of insanity occur; the exact percentage I could not learn. Insane prisoners are removed as speedily as possible to some suitable asylum.

*Contract Labor.*—The system of contracting prison labor is not practised, though it is said it was at one time in use, and was found to work badly. In all the separate confinement prisons, the industry is directed by the officers on government account, but the earnings are considered of little importance. Prisoners labor from six to ten hours daily, according to the class to which they belong; eight hours being about the average throughout the year.

*Productive labor in English Prisons.*—No doubt the profits of prison labor are a matter of secondary moment—reformation being the great thing. But a wisely adjusted system of productive labor is a most important agency in reformation. Far too little account is made of this in the English prisons. I am firmly persuaded that prisons can be made self-supporting and reformatory at the same time; nay, that the first may be made to stand to the latter in the relation of a cause to its effect. I have, therefore, been pleased to learn, since my return to America, that a society has recently been formed in England, having for one of its main objects the advocacy of the self-supporting system in prisons. There is certainly an ample field in that country for its operations, if the statement, made in one of its publications, is correct, viz: that while every prisoner in England costs, on the average, \$150 per annum, the average earnings of each is less than \$10, and that in the Devon county jail 216 prisoners have, for five years, earned less than one farthing each per day.

Fully three-fourths of those committed to prison have never learned a trade. They stand divided in the following proportions: No occupation, four per cent; laborers, fifty per cent; mechanics, twenty per cent; shopmen and clerks, four per cent; peddlers, four per cent; sailors, fourteen per cent; miscellaneous, four per cent. This statement is taken from the prison register at Liverpool, and no doubt would be varied somewhat, though probably not materially, in other localities.

*Trades not generally learned in Prison.*—The percentage who

learn trades in prison I could not ascertain, though it must be small under the present system. It is nowhere made the duty of the authorities to teach prisoners a complete trade, nor does much attention appear to be given to this matter.

*Security of the Prisons.*—Very great care is exercised to prevent prisoners from escaping, both in the construction of buildings and in the vigilance of officers; consequently very few escapes are reported. The first object in every English prison seems to be security.

*Reformation.*—In some of the prisons, reformatory measures are professed by the officers; while in others, they avow that they have no faith in anything but strict rules, rigid discipline, and punishment of a sternly repressive and deterrent character. So far as my observations went, I saw very little in the management of English prisons that would have much tendency to reform the inmates. It is quite true that the chaplains, in most cases, do what they can for the improvement of the mind of the prisoners. Very little, however, can be done in this direction in an unsound system, and certainly not without the hearty co operation of the prison authorities.

*Care for Discharged Prisoners.*—Little is done by the public authorities to furnish employment for discharged prisoners. In some places, as London and Birmingham, benevolent individuals have organized societies for the aid of such persons; and it is believed they are doing much good by meeting prisoners with their sympathy, giving them good advice and procuring employment for them.

*Photographing Prisoners.*—Little effort seems to be made by prison authorities to trace convicts after their discharge. They, however, take a photograph of each prisoner prior to his release, so as to aid in the detection of such as may again commit crime. This system, it is believed, deters some from committing further offences, while it causes others to change their place of residence, or even to leave the country. It would be well if we, in this country, made greater use of photography in the detection of crime and identification of criminals.

*Reconvictions.*—The average proportion of reconvicted prisoners to, the whole number for a series of years is fully fifty per cent in the borough and county prisons. In isolated cases, prisoners give evidence of genuine reformation. This is proven by their uniform good conduct in prison, and by their correct deportment after

discharge; however, in the majority of cases, no improvement is perceptible, but rather a deterioration.

*Pardons*.—The pardoning power is wholly with the crown, and is rarely exercised. Executive clemency is employed only in extreme cases. A strong belief exists in England that a loose system of pardoning would make criminals more bold, while the positive knowledge that the full term of sentence must be served out, acts as a deterrent to some extent.

Having given this general view of English prisons, I propose now to offer a brief account of several penal institutions visited by me during my sojourn in England, beginning with

### 1. THE LIVERPOOL BOROUGH PRISON.

The prison edifice is beautifully situated near the railway station at Walton, about four miles from Liverpool. The site is elevated, the soil sandy and dry. The structure is of brick, with tower handsomely ornamented, presenting to the eye a *tout-ensemble* of great beauty. It is, as usual, on the radiating plan. The male department has five wings, the female four, each with four galleries. The former has 600 cells; the latter, 410; each measuring  $7\frac{1}{2}$  by 12 feet, and 10 feet high in the spring of the arch. The separate system is adopted here. The grounds are extensive, well drained and surrounded with a fine brick wall, very thick at the base. At the height of five or six feet, the thickness is reduced by a course of beveled brown stone; then, after a second rise of about the same height, a second course of beveled stone again reduces the thickness. The extreme height is 20 feet, coped with brown stone. The prison grounds are tastefully laid out in fruit and flowers, and the governor's house and grounds adjoining are exceedingly neat and attractive. The prison yards (four for the male department,) are arranged for exercise, the prisoners following each other on circles of stone flagging. At least one hour per day is allowed for this exercise. The female department is provided with two yards, and arranged and used in the same manner. Both departments were full at the time of my visit, there being exactly 600 male and 410 female inmates.

The kitchen is badly placed, being in the basement under the main prison. It is a dark room, with low ceiling, and very deficient in ventilation. It was enveloped in steam, which, having no way of escape, condensed on the floor and walls, making them *damp*. The supply of soup, meat and bread was abundant, and of excellent quality.

The chapel is plain but neat, and will seat about 700 persons. It is well adapted to its use. Two clergymen, a Catholic and a Protestant, officiate here. The Catholic chaplain assembles his flock first and performs divine service according to the rites of his church. When this service is ended, his desk, being on a small railway, is rolled back. The Protestant congregation then assembles, and, with the minister, have their season of worship. Each chaplain has prayers with the prisoners of his charge in the chapel every morning, first the Protestant and then the Catholic, thus reversing the order of the Sabbath. The prisoners were about equally divided between the two sects.

The hospital is divided into several wards, and is well provided and well adapted to its use.

The prisoners all work and eat in their cells. They are employed at making mats, matting, tailoring, shoemaking, picking oakum, and such like. Some of the mats are woven on looms, cramping the cells, and reducing their available space exceedingly. All intercourse between prisoners is forbidden, but the rule cannot be fully enforced. The total number of criminal prisoners committed here, during the year 1865, was 7477, viz.: adult males, 3595; male juveniles, 451; adult females, 3344; and female juveniles, 87. The daily average was 935. The greatest number in custody at any one time, was 1021, and the smallest number 811. The average number received and discharged daily was 24. There were imprisoned 82 male and two female debtors.

I here append some tables from the report of 1865, containing valuable and instructive statistics.

TABLE 1.

*Showing the number of commitments and the description of offences during the years ending the 30th September, 1864 and 1865 :*

| DESCRIPTION OF OFFENDERS.                                  | MALES.       |            | FEMALES.     |            | TOTAL.       |            | Grand Total. |
|--|--------------|------------|--------------|------------|--------------|------------|--------------|
|  | Adults.      | Juveniles. | Adults.      | Juveniles. | Adults.      | Juveniles. |              |
| <b>1864:</b>   |              |            |              |            |              |            |              |
| Felons.....  | 336          | 27         | 267          | 2          | 603          | 29         | 632          |
| Misdemeanants .....  | 132          | 2          | 48           | .....      | 180          | 2          | 182          |
| Criminal Justice act, under 18 and 19 Vict., c. 12 .....   | 296          | .....      | 226          | 2          | 522          | 2          | 524          |
| Reputed thieves and other vagr'nts                         | 451          | 114        | 1,104        | 36         | 1,555        | 150        | 1,705        |
| Juvenile Offenders' act .....                              | .....        | 25         | .....        | 1          | .....        | 26         | 26           |
| Militia act.....   | 15           | .....      | .....        | .....      | 15           | .....      | 15           |
| Local acts .....   | 810          | 31         | 1,102        | 5          | 1,912        | 36         | 1,948        |
| Other offences.....  | 343          | 7          | 124          | 2          | 467          | 9          | 476          |
| Bail and assaults.....                                     | 866          | 3          | 400          | 3          | 1,266        | 6          | 1,272        |
| Drunk .....  | 1,194        | .....      | 1,380        | .....      | 2,574        | .....      | 2,574        |
| Malicious damage .....                                     | 104          | 1          | 87           | .....      | 101          | 1          | 192          |
| Revenue and deserters.....                                 | 72           | 1          | 1            | .....      | 73           | 1          | 74           |
| For examination and afterwards discharged .....            | 121          | 61         | 88           | 16         | 209          | 77         | 286          |
| For examination and afterwards committed to Kirkdale.....  | 6            | 6          | 1            | .....      | 7            | .....      | 7            |
| <b>Total.....</b>  | <b>4,746</b> | <b>272</b> | <b>4,828</b> | <b>67</b>  | <b>9,574</b> | <b>339</b> | <b>9,913</b> |
| <b>1865:</b>   |              |            |              |            |              |            |              |
| Felons.....  | 441          | 18         | 295          | 4          | 736          | 22         | 758          |
| Misdemeanants .....  | 100          | .....      | 51           | .....      | 151          | .....      | 151          |
| Criminal Justice act, under 18 and 19 Vict., c. 12 .....   | 311          | 2          | 248          | 3          | 559          | 5          | 564          |
| Reputed thieves and other vagr'nts                         | 387          | 180        | 1,123        | 42         | 1,510        | 222        | 1,732        |
| Juvenile Offenders' act ....                               | .....        | 26         | .....        | .....      | .....        | 26         | 26           |
| Local acts .....   | 704          | 30         | 836          | 3          | 1,540        | 33         | 1,573        |
| Other offences.....  | 380          | 6          | 118          | 1          | 498          | 7          | 505          |
| Bail and assaults .....                                    | 880          | 5          | 404          | 6          | 1,284        | 11         | 1,295        |
| Drunk (to 19th October last).....                          | 63           | .....      | 70           | .....      | 133          | .....      | 133          |
| Malicious damage .....                                     | 171          | 3          | 125          | 1          | 296          | 4          | 300          |
| Revenue and deserters.....                                 | 56           | .....      | 2            | .....      | 58           | .....      | 58           |
| Militia act.....   | 21           | .....      | .....        | .....      | 21           | .....      | 21           |
| For examination and afterwards discharged .....            | 72           | 178        | 71           | 27         | 143          | 205        | 348          |
| For examination and afterwards committed to Kirkdale. .... | 9            | 3          | 1            | .....      | 10           | 3          | 13           |
| <b>Total.....</b>  | <b>3,595</b> | <b>451</b> | <b>3,344</b> | <b>87</b>  | <b>6,939</b> | <b>538</b> | <b>7,477</b> |

TABLE II.

Showing the periods of imprisonment during the years ending the 30th September, 1864 and 1865, with the percentages on the total number committed:

| PERIOD OF IMPRISONMENT.            | MALES.  |             | FEMALES. |             | TOTAL.  |             | Grand total. | Percentages. |
|------------------------------------|---------|-------------|----------|-------------|---------|-------------|--------------|--------------|
|                                    | Adults. | Juve-niles. | Adults.  | Juve-niles. | Adults. | Juve-niles. |              |              |
| 1864:                              |         |             |          |             |         |             |              |              |
| Not exceeding one month.....       | 3,363   | 202         | 4,024    | 47          | 7,387   | 249         | 7,636        | 77.0         |
| Above 1 mo. and not exceed. 2 mos. | 379     | 15          | 145      | 10          | 524     | 25          | 549          | 5.6          |
| 2 do do 3 do                       | 482     | 40          | 328      | 8           | 810     | 48          | 858          | 8.7          |
| 3 do do 6 do                       | 202     | 9           | 109      | .....       | 311     | 9           | 320          | 3.2          |
| 6 do do 12 do                      | 123     | .....       | 68       | .....       | 191     | .....       | 191          | 1.9          |
| 12 do do 2 years                   | 22      | .....       | 10       | .....       | 32      | .....       | 32           | 0.3          |
| Penal servitude.....               | 59      | .....       | 46       | .....       | 105     | .....       | 105          | 1.1          |
| Left for trial.....                | 48      | 3           | 36       | 1           | 84      | 4           | 88           | 0.9          |
| Acquitted and not prosecuted, &c.. | 68      | 3           | 62       | 1           | 130     | 4           | 134          | 1.3          |
| Total .....                        | 4,746   | 272         | 4,828    | 67          | 9,574   | 339         | 9,913        | 100.0        |
| 1865:                              |         |             |          |             |         |             |              |              |
| Not exceeding 1 month.....         | 2,162   | 428         | 2,568    | 77          | 4,730   | 505         | 5,235        | 70.0         |
| Above 1 mo. and not exceed. 2 mos. | 425     | 11          | 158      | 7           | 583     | 18          | 601          | 8.0          |
| 2 do do 3 do                       | 456     | 9           | 264      | 1           | 720     | 10          | 730          | 9.8          |
| 3 do do 6 do                       | 204     | .....       | 122      | 1           | 326     | 1           | 327          | 4.4          |
| 6 do do 12 do                      | 118     | .....       | 84       | .....       | 202     | .....       | 202          | 2.7          |
| 12 do do 2 ye'rs                   | 36      | .....       | 13       | .....       | 49      | .....       | 49           | 0.6          |
| Penal servitude.....               | 48      | .....       | 40       | .....       | 88      | .....       | 88           | 1.2          |
| Left for trial.....                | 47      | .....       | 35       | .....       | 82      | .....       | 82           | 1.1          |
| Acquitted and not prosecuted, &c.. | 99      | 3           | 60       | 1           | 159     | 4           | 163          | 2.2          |
| Total.....                         | 3,595   | 451         | 3,344    | 87          | 6,939   | 538         | 7,477        | 100.0        |

TABLE III.

Showing the number of times previously in custody, for the years ending the 30th September, 1864 and 1865, with the percentages of the total number committed:

| NUMBER OF TIMES COMMITTED. | MALES.  |             | FEMALES. |             | TOTAL.  |             | Grand Total. | Per Cent-ages. |
|----------------------------|---------|-------------|----------|-------------|---------|-------------|--------------|----------------|
|                            | Adults. | Juve-niles. | Adults.  | Juve-niles. | Adults. | Juve-niles. |              |                |
| 1864:                      |         |             |          |             |         |             |              |                |
| Never before.....          | 2,600   | 164         | 1,281    | 48          | 3,881   | 212         | 4,093        | 41.3           |
| Once .....                 | 652     | 71          | 527      | 14          | 1,179   | 85          | 1,264        | 12.7           |
| Twice .....                | 359     | 24          | 393      | 4           | 752     | 28          | 780          | 8.0            |
| Three times .....          | 222     | 10          | 307      | 1           | 529     | 11          | 540          | 5.4            |
| Four or more.....          | 913     | 3           | 2,320    | .....       | 3,233   | 3           | 3,236        | 32.6           |
| Total.....                 | 4,746   | 272         | 4,828    | 67          | 9,574   | 339         | 9,913        | 100.0          |
| 1865:                      |         |             |          |             |         |             |              |                |
| Never before.....          | 2,243   | 384         | 1,003    | 77          | 3,246   | 461         | 3,707        | 49.6           |
| Once .....                 | 430     | 50          | 324      | 9           | 754     | 59          | 813          | 10.9           |
| Twice .....                | 194     | 11          | 234      | 1           | 428     | 12          | 440          | 5.9            |
| Three times.....           | 133     | 5           | 180      | .....       | 313     | 5           | 318          | 4.2            |
| Four or more.....          | 595     | 1           | 1,603    | .....       | 2,198   | 1           | 2,199        | 29.4           |
| Total.....                 | 3,595   | 451         | 3,344    | 87          | 6,939   | 538         | 7,477        | 100.0          |

TABLE IV.

Showing how the prisoners have been employed during the year, and the average weekly earnings at each employment, from 1st October, 1864, to 30th September, 1865.

| Daily average number of prisoners, exclusive of Sunday. |       |       | DESCRIPTION OF EMPLOYMENTS.  | Estimated value of work done for the jail during the year. | Actual amount of earnings on goods sold and for work done for individuals during the year. | Total.           | Average earnings per head per week of six days. |
|---|-------|-------|--|--|--|------------------|---|
| Male.   | Fem.  | Total |  |  |  |                  |   |
| 380   | 148   | 528   | { Open'g junk and oakum picking .....  | £ s. d. ....   | £ s. d. 658 11 8   | £ s. d. 658 11 8 | s. d. 0 5½                                      |
| 62½   | ..... | 62½   | { Mat-making & weaving matting. ....   | .....  | 453 2 4  | 453 2 4          | 2 9½  |
| 9½  | ..... | 9½    | { Tailoring .....  | 160 9 10   | 42 0 7   | 202 10 5         | 8 2½  |
| 8   | ..... | 8     | { Shoemaking .....   | 65 0 0   | 20 15 2  | 85 15 2          | 4 1½  |
| 8   | ..... | 8     | { Tinmen, joiners and gardeners. ....  | 38 3 5   | 19 19 9  | 58 3 2           | 2 9¼  |
| 7   | ..... | 7     | { Weaving for prisoners' clothing .....  | 22 8 10  | .....  | 22 8 10          | 1 2¾  |
| 9½  | ..... | 9½    | { Ropers .....   | .....  | 162 11 1   | 162 11 1         | 6 5¾  |
| .....   | 133   | 133   | { Sewing and knitting. ....  | 179 9 2  | 227 19 6   | 407 8 8          | 1 2¼  |
| 484½  | 281   | 765½  | { Tot'l number employed at profit'ble labor }  | 465 11 3   | 1,585 0 1  | 2,050 11 4       | 1 0½  |
| 39  | 36    | 75    | { Employed cleansing jail, &c., viz: white-washers, washerwomen, cleaners, cooks nurses, and attending boilers. .... } | Value of labor not estimated.                              |  |                  |   |
| 5   | ..... | 5     | { Employed pumping water .....   | do   | do   |                  |   |
| 32½   | 47    | 79½   | { Unemploy'd, viz: sick, women with children, reception ward and debtors. .... }                                       | Unemployed.  |  |                  |   |
| 561   | 364   | 925   | Total .....  | 465 11 3   | 1,585 0 1  | 2,050 11 4       | 0 10½   |



During the year 1865, 2,441 persons were committed and detained in the main Bridewell for non-payment of fines for drunkenness, instead of being, as formerly, sent to the Borough prison, which accounts for the large decrease in the commitments for this offense.

The total amount of expenditure during the year for the maintenance and management of the prisoners, and the repairs of the prison, was £15,713 8s. 10d. The cost per capita was 6s. 6d., weekly.

The following table shows the occupation of prisoners committed to the Borough prison during the year ending the 30th of September, 1865:

| Males.                     | Protestants. | Catholics.   | Total.       |
|----------------------------|--------------|--------------|--------------|
| No occupation .....        | 57           | 87           | 144          |
| Domestic servants .....    | 2            | 1            | 3            |
| Laborers .....             | 831          | 1,302        | 2,133        |
| Factory workers .....      | 1            | 1            | 2            |
| Mechanics .....            | 514          | 312          | 826          |
| Foremen .....              | 3            | 1            | 4            |
| Shopmen and clerks .....   | 104          | 47           | 151          |
| Dealers and hawkers .....  | 70           | 103          | 173          |
| Professional employment .. | 10           | 8            | 18           |
| Sailors .....              | 318          | 200          | 518          |
| Shoe blacks .....          | 6            | 25           | 31           |
| Mutiny act .....           | 31           | 12           | 43           |
|                            | <u>1,947</u> | <u>2,099</u> | <u>4,046</u> |

| Females.                    | Protestants. | Catholics.   | Total.       |
|-----------------------------|--------------|--------------|--------------|
| No occupation .....         | 426          | 607          | 1,033        |
| Domestic servants .....     | 63           | 59           | 122          |
| Laborers and basket women   | 67           | 369          | 436          |
| Charwomen .....             | 83           | 88           | 171          |
| Factory workers .....       | ----         | 1            | 1            |
| Skilled workers .....       | 43           | 24           | 67           |
| Dealers and hawkers .....   | 10.          | 20           | 30           |
| Prostitutes .....           | 484          | 965          | 1,549        |
| Lodging house keepers ..... | 5            | 8            | 13           |
| Brothel keepers .....       | 6            | 3            | 9            |
|                             | <u>1,287</u> | <u>2,144</u> | <u>3,431</u> |

Only ten prisoners died in 1865, being less than one per cent. on the daily average.

Two persons were pardoned on medical grounds, one of whom had been upwards of four years in the hospital.

## 2. BIRMINGHAM BOROUGH PRISON AND HOUSE OF CORRECTION.

This prison is handsomely situated in the suburbs of the city; is built of brick; with tower of the same, and is constructed on the radiating system. The grounds are enclosed with a wall twenty feet high, are thoroughly drained, and neatly laid out in exercise yards, gardens and plots of flowers and shrubbery.

The separate system of imprisonment is in use here. There are 363 certified cells and 17 not certified, for criminal males, and 103 certified for criminal females; 27 debtors' rooms for the former and 4 ditto for the latter; also, 14 punishment cells for men and 4 for women. There are for both sexes 11 reception cells and the same number of exercise yards. The cells are all lighted with gas, each cell being provided with a burner. The dimensions are 7 feet by 13, and 8 feet 3 inches high to the top of the arch.

This prison has four wings, one of which is occupied below by the various officers, and above is the chapel, ample in size, and plainly but handsomely finished. The cells are arranged in three tiers on each side of the halls. The galleries are of iron, light and tasteful.

The kitchen is in the basement, is well arranged and kept in good order. The whole establishment is abundantly supplied with water, pumped up by the prisoners working on a tread-wheel or turning a crank.

Most of the prisoners work in their cells. The males are employed at grinding corn, pumping water, picking oakum, making brushes, mats and matting, tailoring, shoemaking, carpentering, smith and tin work, bricklaying, painting, glazing, baking, cooking and cleaning. One hour per day is allowed for exercise. The females pick oakum, make hearth mats, knit, sew, wash, iron, cook and clean prison.

The prisoners rise throughout the year at 5.30 A. M., and retire to rest at 9 P. M. in summer and at 8 P. M. in winter. They work nine hours per day in summer and eight in winter.

The prison for females is entirely separated from that for males.

The money actually earned and received for the several products of prison labor, after deducting the cost of materials, amounted

to £569 5s. 10d. The total expenditures for the prison were £9,786 3s. 3d. The average annual cost per prisoner, after deducting net profits on labor, was £23 2s. The average weekly cost of food per capita was 7s. 6½d. Most of the supplies are procured by contract.

The chaplain performs two full services, with a sermon at each, every Sunday, and reads morning prayers, with an exposition of Scripture, daily. He visits the prisoners frequently in their cells, and superintends the prison school. He is secretary of the Birmingham Discharged Prisoners' Aid Society.

A Roman Catholic priest attends about once a week to visit prisoners of that faith. Any dissenter may see one of his own ministers on application to the governor.

The surgeon attends the prison twice a day, and examines the prisoners twice a week. The general health of the inmates appears to have been good, only one having died during the year.

The dietary, clothing, bedding, &c., seemed to be in a satisfactory condition.

Three hundred and six males and seventy-three females were punished for refractory conduct; two of the former and four of the latter were placed in irons. About thirty-three per cent is the average of re-committals.

35 per cent of prisoners are unable to read.

|     |    |    |                                       |
|-----|----|----|---------------------------------------|
| 41  | do | do | can read imperfectly.                 |
| 23  | do | do | can read well.                        |
| 57  | do | do | cannot write.                         |
| 38  | do | do | can write imperfectly.                |
| 4   | do | do | can write well.                       |
| 86  | do | do | are wholly ignorant of arithmetic.    |
| 12  | do | do | have an imperfect knowledge of it.    |
| 1.5 | do | do | understand compound and higher rules. |

In the chaplain's report of this prison for 1861, appears the following curious passage:

"I have made comparisons year by year between the number of commitments and the *average price of wheat*. The calculation shows that the rise and fall in the price of wheat, in any one year, is followed by a corresponding fluctuation in the commitments in the year next following it. For four years, from 1850 to 1853 inclusive, the price of wheat was below the mean price, and the commitments were also below the mean number. Then, in 1854, *the price of wheat rose*, and for five successive years continued *above the mean*, and the commitments also averaged above the

mean for five successive years, beginning however with the year 1855. Again the price of wheat fell in 1859, and in 1860, the year following, the commitments fell also."

The female department of this prison is well arranged and well managed. Every part of it is kept clean and neat. The inmates have every comfort that is allowable, and, from what I saw, I should think that every inducement is held out to them to return to the walks of virtue.

### 3. COUNTY PRISON AT WARWICK.

This prison is situated at Warwick, near Lemington, about twenty miles from Birmingham. The location is well removed from the town, and the buildings stand some distance from any other. The grounds embrace some eight acres, and are enclosed with a wall 20 feet high. The prison buildings are in the form of a cross, with an octagon centre. The prison is nearly new, and combines in its construction all the modern improvements in prison architecture. There are three tiers of cells. The galleries are of iron; the halls are very broad, and the light coming from the roof imparts to the whole a softened and cheerful effect. The number of cells is three hundred.

The drainage is perfect. The grounds are laid out partly in yards for exercise, and partly in vegetable gardens, which are worked by the prisoners.

The chapel has had a full share of attention, is ample in size, and some persons, doubtless, would think it too fine for prison use.

There are no work shops, except a small one for a few men to do jobbing in. The prisoners eat and work in their cells. The industry of the prison is directed by the governor on government account. The branches of employment are tailoring, shoemaking, carpentry, mat-making, &c., &c.

A very ingenious plan is adopted here in the case of all tools used by the prisoners. For instance, the entire set of shoemaker's tools for one person are fastened on a board with a leather strap, so arranged that the tools, when wanted, can be slipped out at pleasure. The exact form and size of each tool is painted on the board, and the name of each is also written over it. This board, with the tools thus arranged, the prisoner takes to his room in the morning, and when he has done his day's work, he must return it to the tool room, precisely as he took it away. A similar board is prepared for each carpenter, and so of all other trades. The

tool room is examined every night at the time of closing the prison by an officer detailed for that purpose, and every tool must be in its place or satisfactorily accounted for before the prison can be closed for the night or any of the officers leave the premises. This plan is adopted for the two-fold purpose of preserving the tools and preventing any prisoner from making an improper use of them.

The arrangement of printed rules and tickets placed in the cells for the guidance of prisoners, the arrangement of the cells, and many other little contrivances are so complete here, that the duty of the officers is made very simple and comparatively easy.

The discipline is very strict in this prison. Total separation and non-intercourse are rigidly enforced. The prisoners wear masks, which, however, are nothing more than a piece of cloth over the face, with eye holes in it, the object being to prevent recognition after discharge. When any prisoner halts in the presence of a visitor, he must place his face towards and near the wall, and so remain till the visitor retires, or the prisoner is ordered to move on.

The prison dress is drab, with one plaid arm. No system of rewards is in use, but by good conduct prisoners may improve their diet. This is effected through a system of classification; most of the prisoners try to advance in this direction.

The punishments here are the same as in other prisons, with the addition of large iron balls, which the prisoner is compelled to move round a circle. The balls are placed in a hollow, on the top of posts, and must be moved in rapid succession from one post to another. The prisoners are required to keep their places at a certain distance apart, when in the exercise yard. The observance of this rule is secured by causing them to take hold of loops in a rope at the requisite distance from each other. One hour daily is allowed for exercise.

The prison is abundantly supplied with water, which is pumped by the prisoners working on a crank wheel. This is also arranged so that it may be used for punishment. The crank is attached to the driving shaft, with a ratchet, in such a way that if the force is slackened on the crank, the ratchet begins to rattle, and thus detects the laggard. Corporeal punishment is resorted to in extreme cases.

The kitchen is detached from the main building. It is of brick *and iron, the roof being partly covered with glass.* The ceiling is

20 feet high. It is beautifully lighted, is kept in the most perfect order, and is in all respects superior to anything of the kind I have ever seen elsewhere. In fact, this whole establishment is a credit to the country, and does honor to the managers.

The officers, excepting the governor, dress in a neat blue uniform, with a leather girdle about the waist, to which is attached a chain, holding their cell keys, all of which are kept bright as new coined sovereigns. I found the officers affable and courteous; but the governor is thoroughly imbued with the old notions of prison management, and does not hesitate to express his views in a very emphatic manner. He remarked that he did not believe in petting prisoners, and it was his rule to inform prisoners as to the line of conduct expected of them, and if they did not obey his requirements, he would make them do it. When the question was mooted as to the chances of reformation, he turned upon his heel, and said that he did not believe in the doctrine of reformation, he thought the dark cell and a diet of bread and water the best reformatory for prisoners.

The number of prisoners committed in 1865 was 992. Assault, drunkenness, violation of game laws, larceny and vagrancy are the most common offences. Sixty persons under sixteen years of age were committed during the year named.

Two hundred and five persons could not read.

Six hundred and eighty-seven persons could read imperfectly.

Thirty persons could read and write well.

|  |        |     |    |
|--|--------|-----|----|
| Total expenditure for the year.....  | £5,776 | 2s  | 6d |
| Total value of labor of prisoners.....   | 796    | 10s | 3d |
| Cost per head per day, including salaries and uniforms of officers, food, clothing, fuel, repairs, furniture, &c., &c..... |        | 1s  | 5d |
| Average weekly cost of rations for each.....   |        | 2s  | ½d |

All the cells are lighted in the evening with gas. Prisoners rise at 5.45 in summer, and 7.15 in winter, and retire at 8 P. M. all the year through. They work nine hours daily.

Two hundred and nine male and twelve female prisoners have been punished for refractory conduct, one of the former having been flogged. Fourteen prisoners have died, two have been pardoned on medical grounds, and ten have been sent to a lunatic asylum. The death-rate and the number of prisoners who became insane, taken in connection with the rigor of the discipline and compared

with these statistics in other prisons, are striking, and there may be instruction in the statement worthy to be heeded.

The officers report that the prisoners are sufficiently supplied with books, both religious and secular. The prisoners' relief act is carried out here. Sixteen prisoners received relief last year, amounting to £20 9s 7½d, in the purchasing of tools &c. to enable them to earn their own living.

#### 4. BRISTOL JAIL AND HOUSE OF CORRECTION.

I had a little experience of the power of red tape in my visit to this prison. Finding myself short of time, I called at the prison in company with a friend, without waiting (as I had done in other cases) to receive an order of admission from a justice. I presumed that my general letters of introduction would be a sufficient passport, but in this I was mistaken. After waiting some time at the gate, the governor made his appearance, and, after some hesitation, concluded that, inasmuch as he was acquainted with my friend, he would allow us, in company, to see the interior of the prison. We were ushered into the office, and, after a few general remarks, the governor proceeded to give his views on prison discipline. He observed that, when convicts came to him, he distinctly told them what would be expected on their part, and then if they did not yield obedience, he would compel them thereto. He did not mean to pet them, nor did he believe in reformation. He thought that prison discipline, generally, was too lax, and if he could have his way, as soon as a prisoner was convicted, he would strip him to the skin and whip his bad habits all out of him; he would not wait more than five minutes. Continuing his remarks, he said: "People talk about the separate system in other prisons, but I tell you there is no such thing as perfect separation in any prison in this country, *but this*. I will give twenty pounds if you will find one prisoner here, who will tell you that he has ever seen any other convict during his incarceration."

The governor then conducted us to the chapel, on entering which we were taken completely by surprise at the splendor of the apartment. He seemed to enjoy our astonishment not a little, for he had great pride in the arrangement of this part of the establishment. The chapel is of ample dimensions, with groined roof, beautifully finished. The pulpit is finished with panel work, *painted in imitation of fancy wood* of various colors. The floor of



the chancel is laid with mosaic. The seats for the governor and his friends are beautifully and luxuriously cushioned. In the rear of the pulpit is placed an organ that would do credit to any house of worship. But to cap the climax, the governor has so arranged the seats for the prisoners, that they can all be seated in the chapel at one time, and this without any one being able to see any other. On an inclined plain, upright boxes are placed in rows, resembling in size and shape a common coffin case. Narrow passages are left between the rows. Each box has a door on the back side, and within a seat, hung on hinges. The prisoners enter one at a time, which must of necessity be so, in order to carry out the governor's notion of the separate system. The first goes through the narrow passage way, opens the door of his box, lifts up the seat, passes in, puts down the seat, and closes the door and sits down; then a second does the same; then another and another, and so on, till all have entered and are seated.

The governor has succeeded in impressing the value of this arrangement so strongly on the mind of the board of justices, that they have caused an engraving of this chapel to be published as a model to be imitated by other prison authorities.

To me this whole arrangement seemed in the highest degree objectionable. It effectually destroys the social character of public worship, which is one of its most pleasing and attractive features. It must produce disagreeable and therefore repellant and hurtful associations, as connected with the house of God. It affords opportunities to ill-disposed prisoners to disturb the worship by groaning, whistling or other noises, which it is very difficult to trace to their source. And, finally, so far from preventing communication (which is the end in view), it actually facilitates it, as it affords means for whispering and passing notes under the door, which no amount or keenness of supervision can detect. This attempt, therefore, to obstruct and counteract nature, to reverse the order she has ordained, and countervene her immutable laws, fails miserably, as every such attempt must, in the nature of things, fail. Nor is this view merely theoretical. The same thing has been tried elsewhere, as in the Wakefield jail, for example, and the above view abundantly confirmed by the evidence of Mr. Reynolds, the chaplain, and Mr. Shepherd, the governor, as reported in Mr. Hill's work on crime. After a fair trial, the prisoners' stalls were removed, and the chapel fitted up in the ordinary way. The result of this alteration is thus stated by Mr. Rey-

nolds: "I am happy to state that the removal of the stalls during the past year has been attended by no injurious consequences, while it appears to have answered all the good ends for which the removal had been considered desirable. The prisoner now feels that he is in a house of prayer, engaged in social worship, treated with reasonable confidence, and permitted to hear the offers of divine mercy without galling marks of his degradation being continually presented to his eye."

At this point the governor excused himself on the ground of ill health, and placed us under the charge of the principal warder.

Passing from the chapel into the yard, we were conducted to a long row of apartments, resembling cages for the keeping of wild beasts in a menagerie, well secured with iron gratings in front. In each of these cages was placed one prisoner (some of whom were quite young boys). Every man and boy was furnished with a block of iron and a hammer, and by his side lay a small pile of paving stones, which he was busily engaged in breaking. As we approached, the officer in charge stepped rapidly ahead of us and in front of the cages, saying, in a tone of command to each prisoner in succession, "attention." This was a signal for the prisoner to stand up and tip his cap as we passed him. At the farther end of the yard was a longer cage, called an exercise shed. One solitary prisoner was passing up and down in it, and thus, agreeably to the rules, taking his allotted portion of exercise. To me this was a sad sight, and when I reflected that the wisdom of man could devise or had devised, in this prison, no better or more natural plan for the punishment of criminals, I felt pained, and left this part of the establishment sick at heart. We next went to the female prison to see how it was with them. These miserable creatures we also found shut up in separate stalls, some sewing, others washing, &c., &c.

The exterior of this prison has an imposing appearance, being built of stone and surrounded with a high and substantial wall, picketed with iron on the top.

A circle is now being formed, forty feet in diameter, having thirty-six cells or cages, for labor, on the exterior, and the means of exercising separately within the circle. The prison authorities deem this a very useful contrivance for combining labor and exercise without the risk of recognition between the prisoners.

*The main building of this establishment is old, constructed with two narrow halls and a dead wall running through the centre the*

entire length. There are three tiers of cells, which are small and inconvenient. It would seem as though the design had been to make this prison as gloomy and repulsive as possible.

The prison statistics for 1865 are as follows:

Total number of prisoners committed, 687.

Average daily number, 128.

Recommittals, 185.

Total expenditure, £4,264 14s. 2d.

Average annual cost per prisoner, after deducting the net profits on prisoners' labor, £30 0s. 9d.

Number of certified cells, 179.

Number of punishment cells, 4.

Number of reception cells, 5.

Number of compartments (long cages) for exercise, 42.

Number of sleeping cells or rooms, 30.

Number of day rooms, 5.

None of the cells in this prison are lighted at night. The prisoners rise at 6 o'clock in summer and retire at 7; in the winter, they rise at 6.30 and retire at dark. The male prisoners are employed on the tread-wheel, oakum picking, stone breaking, tailoring, shoemaking, cleaning, &c. The females pick oakum, wash, sew, clean, &c., &c. The tread-mill supplies all the water for the use of the prison, and is worked about four hours daily. The prisoners work in summer from 6 A.M. to 6 P.M., and in winter from 6.30 till sunset, from which must be deducted two hours for meals and one for prayers.

The money actually received for the several products of prison labor, after deducting cost of the materials, amounts to £340 2s. 6d.

The weekly amount of food supplied is according to the new dietary tables issued by the Secretary of State. The meat only is here supplied by contract. The average weekly cost of food per head is 2s. 11d.

The chaplain reads prayers and preaches twice on Sundays, and has prayers and a short scriptural exposition daily. He visits the prisoners in their cells, taking all in rotation, but sees the sick and those under punishment daily. He sees and converses with all prisoners on their admission and discharge. Catholics and dissenters may be visited by ministers of their own persuasion, if they require it. The schoolmaster and mistress instruct each prisoner separately in rotation, and are occupied every day from

the hour of breakfast till supper time. There is a sufficient supply of books for the use of the inmates.

The governor is in the habit of employing photography as a means of identifying prisoners ; an excellent practice, which he is said to have been the first to adopt.

#### 5. COLD BATHFIELDS PRISON, OTHERWISE CALLED THE COUNTY HOUSE OF CORRECTION.

This institution is pleasantly situated in the outskirts of London. The grounds are well drained, and surrounded with a high wall. The building is constructed partly of brick and partly of stone, and has been enlarged, from time to time, so that it is quite irregular in form and arrangements. The old cells measure six by eight feet, while the new ones are six by eleven feet, and nine feet high. A part only are furnished with gaslight in the evening; some by a burner placed in the cell, and others by an ingenious contrivance which throws the light into the cell through the door. Each cell is furnished with a stationary wash-basin and water-closet, with a good flow of water. The prisoners sleep on hammocks, and are furnished with comb, spoon, soap and towel. All meals are taken on a small table in the cells ; no knives or forks are used or allowed. A new wing is now being erected on the plan of the radiating prisons.

There is an excellent mode of receiving prisoners in use here, and one which, as far as I know, is peculiar to this establishment. The prisoner enters a box and divests himself of his clothing. He then steps into a bath tub, about two feet deep and level with the floor. Here he is thoroughly cleansed, after which he steps out at the opposite end of the bath tub into another box, where he finds his prison garb. By this means he is effectually prevented from secreting about his person any articles from his citizen's dress. He then passes to another apartment, where he is examined by the surgeon, numbered and sent to his ward. His old clothing are put into a sort of oven, which is heated by an ingenious arrangement, sulphur being placed in such manner that the fumes from it effectually destroy all vermin that may be in the garments. The whole suit is then made into a bundle, labeled and deposited in a room provided with numerous tiers of shelves. In this way each prisoner is furnished, as far as possible, with his *own clothes* on his discharge. The men are all numbered with *brass labels or tickets* worn around the neck, and in each case a

duplicate of the label is preserved in a frame in the governor's hall; by which means it is very easy to find any prisoner when he is wanted. This arrangement is much like that of checking baggage in traveling.

The industries of the prison are directed by the governor. The prisoners work in shops in association; a large number are engaged in picking oakum, many more are at work in a tailor shop, and still others at shoemaking. Five hundred of these prisoners constantly work on one treadwheel; two hundred and fifty on and the same number off. They change every twenty or thirty minutes. These men are all employed in one room, and are guarded and directed by ten officers. Much confusion prevailed in this shop; the prisoners seemed sullen and careless, and the officers blustering and noisy. These five hundred men looked strong, athletic and capable of doing much good, if their minds and skill were properly directed. This treadwheel drives a flouring mill of a capacity to produce sufficient meal to feed three thousand people. The authorities boast of this as labor of prisoners well and profitably employed. The men in the tailor-shop appeared more cheerful and seemed to work well. They make clothes for the officers and other persons. The shoemakers also worked well and looked cheerful. The gentlemanly warder has been in charge of this department of the establishment more than twenty-five years. He seemed fully alive to the importance of working out reformation in the character of the prisoners as far as possible.

A large bakeshop is connected with this prison, in which all the work is done by prisoners, who turn out bread enough to supply three thousand persons. An ingenious machine for kneading the dough is in use here, by which the materials are thoroughly mixed, and at the same time kept perfectly clean.

The washing and wringing of clothes is done on the most improved plan. The drying arrangement is particularly good. At the same time that dry, hot air is admitted, all the damp air is forced out, so that twenty minutes are sufficient to dry the thickest blankets.

The kitchen is well arranged and very convenient, and if kept clean would be a pleasant apartment to work in.

All the shops are lighted from the roof, and the light is so well managed that they are very pleasant. Most of the inmates look *young and healthy*.

There are two chapels, plain but convenient; one for the use of the protestant, the other for that of the catholic prisoners.

The hospital arrangements are good, and every convenience provided for the care of the sick; but everything in this department seemed loose; nothing like good order prevailed. Silence is the rule here, but it is by no means enforced. There is little in the place that would remind one of prison discipline.

The prison has a library of about two thousand volumes, which is under the care of the chaplain.

Total number committed (all males) for the year

|  |                |
|--|----------------|
| 1865 .....   | 9,189          |
| Greatest number in confinement at any one time .....                                   | 1,896          |
| Average daily number.....  | 1,783          |
| Recommittals during the year.....  | 3,123          |
| Total expenditures for the prison.....   | £37,613 17s 7d |
| Average annual cost per prisoner, after deducting net profits on prisoners' labor..... | 19 19s 6d      |
| Number of certified cells.....   | 326            |
| Cells not certified.....   | 945            |
| Day rooms .....  | 14             |
| Punishment cells.....  | 6              |
| Yards for exercise .....   | 14             |

The prisoners rise at six A. M., and retire at nine P. M., all the year through.

The total amount of money actually received for the several products of the prisoners' labor, after deducting the cost of materials, amounts to £1,997 9s. 2d.

The prisoners are allowed 15 minutes for exercise, before each meal.

There are two chaplains engaged here, who perform the usual amount of service. Three school masters are engaged, each of whom teaches six classes daily. The number of prisoners under instruction, at the time of my visit, was about 450.

The Discharged Prisoners' Relief Committee, formed under the auspices of the Reformatory and Refuge Union, employ an agent in finding employment for such prisoners, on their release, as the visiting justices may think proper to assist. Under the provision of law, a lay agent is likewise occupied within the prison, in investigating cases for such assistance. He acts also, as a scripture reader, *under the supervision of the chaplain.* 13,489 prisoners have been



punished for prison offences during the year, of whom 30 were flogged. There were 39 deaths. Two prisoners were pardoned on medical grounds, and six others placed in a lunatic asylum. In four years, viz.: from 1860 to 1864, the number of punishments had increased from 5,584 to 13,489. This large increase is attributed to the over-crowded state of the prison, making it very difficult to maintain subordination. The number of officers employed in this prison is 150.

#### 6. HOLLOWAY PRISON AND HOUSE OF CORRECTION.

Holloway prison is pleasantly situated near Cold Bathfields, in London. The external appearance of the main building is very pleasing. It is built on the radiating plan, and has four wings. The materials are brick and stone. It has three hundred and seventy-three cells for males, and 65 cells for females. The cells are 10 by 14 feet, and 10 feet high, arched with brick. The building is admirably ventilated. The flues converge to the tower, which is about 80 feet high. The smoke pipe from the furnace, is carried through the tower nearly to the top, and this creates a strong draft, which removes all foul air. The entire premises are a model of neatness and good order, especially the interior.

The chapel is of sufficient size to seat 450 persons, and is so arranged that the men, women and boys may all be present, without seeing each other. It is furnished with a good organ.

The hospital is a comfortable, but small apartment. It can accommodate only 10 persons at a time.

The prison is called a house of correction, and therefore, boys as young as ten or twelve years are committed; several of tender age were confined here at the time of my visit, some of whom have been several times before imprisoned.

The employments are much the same as those mentioned in the prisons previously described.

There is one chaplain and one school-master. The latter devotes his whole time to teaching, the classes being so arranged that all prisoners who need instruction can have it for an hour daily. No attempts to escape have ever been made. The chief warder appeared to be a man of fine sensibilities, and of very kindly disposition. During my visit, he discharged two young men whom he addressed with all the tender affection of a father. The two young men were brothers, one of whom had been thirteen times in prison, and the other seven. This excellent gentleman seemed to do all he could under the circumstances to reform



the criminals under his care. Some benevolent ladies were present conversing with female prisoners. But when it is considered that Coldbath prison discharges annually 9,000 prisoners, and Holloway over 2,000, making a grand total from these two institutions alone of 11,000 criminals turned loose to mingle in society in London, it is painful to think how little effort is put forth by the good people of that city to prevent crime or reform the criminal classes.

Recommitted prisoners give a variety of excuses for returning to prison, but the most common is the want of employment. The most prolific sources of crime are said by the officers to be idleness, bad company and rum.

All prisoners are weighed every three months to ascertain the effect of their diet and prison life.

The female department is detached from the male, and is kept in admirable order. There were 28 inmates when I was there. They have the advantage of religious and secular teaching the same as the males.

Deserving prisoners are generally assisted on their discharge, from what are called the sheriff's and magistrates' funds. 578 liberated prisoners thus received pecuniary aid during the year 1865; 227 were assisted with clothing; 11 were sent to sea, and 24 to their friends in the country. 30 were sent to reformatories, and 7 provided with situations. 63 were furnished with tools or stock to commence business for themselves. Total number relieved, 950.

Many of the persons who have been assisted in this manner (I was informed) are known by the authorities of the prison to be now earning an honest livelihood.

#### PENAL SERVITUDE PRISONS.

The preceding part of this report has reference solely to local, or what are sometimes called separate system prisons, and may serve to give some general (though, I am sensible, a very imperfect) view of the organization, management, working and results of that class of penal institutions.

I come now to the second general division mentioned—the penal servitude or government prisons; corresponding to what, in America, are called State prisons or State penitentiaries.

This class of prisons has a different organization and *regime* from those described above as belonging to the county and

borough prisons. They are under the control and government of a local board of directors for each prison. These directors are appointed for England by the Secretary of State, and for Ireland by the Lord-Lieutenant. The board usually consists of two members, who devote their whole time to the interests of the prison placed under their direction. They appoint no prison officers; but they prescribe all rules and scales of diet, subject to the approval of the Secretary of State; and it is made their duty to inspect and supervise carefully every department of the prison under their care; also to report annually to the Secretary of State, in detail, all things relating to the well-being of the prison.

The directors of the government prisons receive a liberal salary for their services, while the magistrates who supervise and direct the affairs of the county and borough prisons receive no remuneration whatever.

The penal servitude prisons differs from the local prisons in this also, that they receive no prisoners for less than a five years' sentence, and the discipline is intended to be more exact; while criminals are committed to other prisons on sentences varying from three days to four years, and in some of them the number of inmates is so large, and the reception and discharge of prisoners so frequent, that it is difficult, if not impossible, to maintain anything like a perfect system of discipline.

The following account of the administration and working of the government prisons is, in part, the result of my own observations, and, in part, I am indebted for it to the admirable work—entitled “Our Convicts”—of Miss Mary Carpenter, superintendent of the Red Lodge Female Reformatory of Bristol; a lady who takes rank among the most distinguished philanthropists of the present age, and to whom the cause of juvenile reformation in England is, probably, more indebted, both in respect to its form and its success, than to any other person living.

The present convict system of England dates back some twenty-five years, when the penal colonies, with the exception of western Australia, refused any longer to receive the convicts of the mother country. It claims to be established on reformatory principles; how far this claim rests on a basis of fact will appear in the sequel. One thing at least, is certain—there can be no general reformation of convicts, though exceptional cases of reform may occur under any prison system, which does not truly and heartily enlist its subjects in their own improvement, and in which there is not, at the same time, a just, firm and steady discipline.

The penal servitude prisons are seven in number. Two of them, Pentonville and Millbank, organized on the separate plan, are in the city of London. In one or other of these, the first twelve months of all prisoners sentenced to penal servitude are spent; but this period may be shortened to ten months by good conduct. During this portion of their imprisonment, special attention is given to the religious and intellectual instruction of the convicts.

From Millbank and Pentonville, prisoners are transferred to the public works' prisons, so called because their inmates are mostly employed in the construction of government works. There are five of these, situated at Portland, Chatham, Woking, Dartmoor and Bradmore. Prisoners in feeble health are sent to Dartmoor, and those regarded as somewhat unsound in intellect to Bradmore. The other three receive the able-bodied prisoners.

In the public works' prisons, there are three stages. The prisoner first enters the lowest stage, in which there are three classes. In the lowest class he wears no stripe; in the second, he wears a stripe of red color, and in the first, two stripes of the same color. If a man sentenced for four years, besides the year spent in solitude, has reached the first class at the end of a year, he is advanced to the second stage, in which he wears two blue stripes, in addition to the two red ones. If he gets V. G. (very good) for the whole year in the second stage, he is raised to the third, in which he wears a different dress, and has increased privileges. When the specified time comes for the minimum period of his sentence, he is recommended for remission of time; but all forfeitures of time recorded against him are deducted from it. If a man has been very well conducted for a long time, and the governor submits his case to the director, the latter judges whether any of the time he had lost by misconduct should be given back to him. If he is degraded to the third class, it takes him three months to get to the second, and three months more to reach the first.

The general system of administration in all the public works' prisons is substantially the same. A description of one is a description of all.

Chatham prison is calculated for 1,100 prisoners, each having a separate cell. The staff consists of a governor, deputy-governor, chaplain, assistant chaplain, a scripture reader, four school masters, a chief warder, six principal warders, a hundred warders, a medical officer, an assistant medical officer, and a cook; in all, 119 officers, or, exclusive of the governors, chaplains and medical officers,

one to every ten prisoners. The prisoners are generally divided into seventy or more parties of ten to twenty-five men, according to the work on which they are employed.

The governor of Chatham prison, on his evidence before the royal commission of 1863, states that it is the duty of the warders to see that the prisoners exert themselves, and gives it as his opinion that they work quite as well as free men paid by the day. Others, however, who testified before the commission, were of a quite different opinion. The governor himself makes a statement in his testimony which throws an air of suspicion over the one previously made by him, and leads to the conclusion that the discipline must be lacking in firmness and vigor. He says: "*We look upon the willingness for work, not the exact amount of work done.*"

The time table of this prison for the summer is arranged as follows:

- A. M. 5:00 First bell rings, prisoners rise and muster, wash themselves and clean the cells and wards, breakfast served out.
- 5:45 Breakfast. Each man in his own cell.
- 6:15 Cells unlocked and the prisoners taken to the chapel for prayers. The unlocking and marching to chapel, the time they are at prayers, and the marching from chapel again, occupies as nearly as possible half an hour. The service does not last above from ten minutes to a quarter of an hour.
- 6:45 Prisoners marched back to parade, and going to the working ground, marching back and serving dinners: work.
- P. M. 12:15 Dinner in cells.
- 1:15 Mustered and marched to work; work; march back.
- 6:00 Cells; take off working slops; go to chapel; at chapel; return to cell.
- 6:30 Supper.
- 7:00 Cleaning shoes; shaving; changing any clothing that may be requisite; emptying slops and reading.
- 7:45 Take down hammocks and go to bed.
- 8:00 Lights put out. The third stage men are permitted to have a light an hour later.

In the winter months, the prisoners rise half an hour later.

going out to labor as soon as it is light and returning earlier, so as to have a longer time for reading in the evening.

The following is the dietary:

*Breakfast:* One pint of tea, made with one-sixth of an ounce of tea, on alternate days, sweetened with three-fourths of an ounce of raw sugar; one pint of cocoa, made from three-fourths of an ounce of cocoa, three-fourths of an ounce of molasses and two ounces of milk, daily; twelve ounces of bread. Prisoners in the second and third stages have three ounces of bread and two ounces of cheese extra on Sunday.

*Dinner:* Six ounces of cooked meat, without bone; one pound of potatoes, and six ounces of bread; on Mondays, Wednesdays and Fridays, they have also one pint of soup. Those in the third stage get a small suet pudding on Thursday, and have their meat roasted instead of boiled four times in the week.

*Supper:* One pint of oatmeal gruel and six ounces of bread.

On the dietary as thus arranged, Miss Carpenter has the following remarks: "Surely, few laboring men either could afford, or would eat, if they could, so large a dinner as is given to these convicts four days in the week, one of these being Sunday, when the plea of hard work is not available. Nor, we presume, would laboring men allow themselves, even on alternate days, tea in addition to a pint of cocoa made so substantial as this must be, a pound of cocoa and one of molasses being used for every twenty persons. We know that good and palatable cocoa can be prepared for reformatory boys and girls, with a pound of cocoa and a quarter of a pound of sugar for every fifty."

If any prisoner suspects, or pretends to suspect that his ration is deficient in quantity, he has the right to demand that it be weighed or measured. Some half dozen cases of this kind occur daily at the Chatham prison, and, as it would seem, very often for the malicious purpose of annoying the officers.

While the prisoners are engaged on the public works, they are allowed to converse quietly, the warder being supposed to be close enough to them to hear what they say, which is obviously impossible. As it has been found that whispering cannot be prevented, it is not forbidden, and is therefore not considered out of order. The prisoners are confined in their separate cells at night, and there the rule of non-intercourse can be enforced; but in chapel there is a good deal of communication in an underhand way. All communication with the outside world is interdicted;

but this rule is continually evaded, and many prohibited articles are introduced. According to the testimony of the officers, these communications are found to be a source of mutual contamination, and have more than once, in different prisons, led to open mutiny and revolt.

The peculiar feature of these prisons is the labor of the convicts at the public works. It is much more their diligence in labor than their general good conduct which determines the marks they receive, and measures the remission accorded to them from their sentence. G. and V. G. (good and very good) given to prisoners indicate only a good report of their work, and have little or nothing to do with their moral character and deportment. The warders have gratuities given them in addition to their salaries, depending upon the conduct of their parties. This is an exceedingly bad arrangement, as it must operate as a direct bribe to bring in too favorable, that is false, reports concerning their men; and it is said that there has not been a case in which a warder has reported favorably of his gang, in which he has not received his gratuity. It is not surprising, therefore, to hear the governor declaring in his testimony that if a warder tells an idle man to go on with his work, such a command is very apt to elicit an insolent answer. Nor is it more a matter of wonder to learn that the case is quite exceptional when V. G. is not recorded against a convict's name, the rule being directly the reverse. The gratuity which the convict himself earns, depends also entirely on the warder's report. If he has V. G., he gets 15 cents a week credited to him; if G., 12 cents; if neither, nothing. If he is in the first class, he gets 12 cents a week additional for that; if in the second, 8 cents; if in the third, nothing. Bad conduct never diminishes gratuities earned; hence, long-sentence men often have large gratuities coming to them.

Yet, with all these inducements to diligence, competent witnesses testified before the commission that not half so much work is done by each convict as by a free laborer outside. Why, indeed, should the prisoner work hard, when half work or less will procure for him the coveted V. G.?

The convicts not only do less than half the work of free laborers, but they often sham sickness to get rid of that. Nay, they not unfrequently commit an offense to be sent to a cell for punishment, of which cells at Portland prison there are thirty, the most *comfortable in the prison*, and provided with books to enable the



offenders to while away their time pleasantly. On the recommendation of the medical officer, the rations of these men were reduced, which had an immediate and marked effect in reducing the number of their inmates. "How little moral influence," justly remarks Miss Carpenter, "must exist in these prisons, if it is necessary to have recourse to so low a motive to prevent men from shamming sickness to escape work!"

The assaults upon officers in these English convict prisons constitute another peculiar feature in them. According to the testimony of the director before the royal commission, such assaults upon officers are deplorably and alarmingly frequent, sometimes taking on, as one of them expresses it, the form of an epidemic of violence. At a single visit at Dartmoor, he had to investigate nine cases of assault upon officers. To such an extent is this practice carried, that the officers are in great terror of the prisoners. And well they may be, for cases of murder, some of them of a shocking character, are far from being unknown. They are, undoubtedly afraid of reporting the truth concerning convicts, and, hence, as Miss Carpenter suggests, it can readily be imagined how little prison reports can give the real character of convicts. "Such," she adds, "is the state of feeling and conduct among men who are supposed to be undergoing reformatory training! Prisoners, both old and young, soon learn how far misconduct will be tolerated, and act accordingly. The simple fact of the toleration of what would in society be very serious offences, of itself encourages great daring."

The amount of secular instruction given in these prisons, is greatly disproportioned to their needs. Three hours in the week is all they receive. The religious instruction is confined to the Sunday services and the daily prayers, unless the chaplains or scripture readers have occasionally a private interview with a prisoner. It appears that the prisoners greatly dislike the daily evening service at the chapel, insomuch that it is believed to be rather mischievous than otherwise. The governor of Chatham prison said before the commission, that in a religious point of view, it had a bad effect. He also expressed the opinion that any additional schooling, if it took place in the evening, would be of no advantage to the prisoner. No wonder that Miss Carpenter exclaims in reference to such a state of things, "Surely, if evening *instruction* and religious worship, after daily work, are not *acceptable or beneficial* to men who ought to be striving to



improve and remedy past defects, there must be some radical defect in the system which should be removed."

The gratuities earned by convicts, are paid as follows : \$25 and under, to be paid on discharge ; above \$25 and under \$40, to be paid, one-half on discharge, and the balance at the end of two months ; \$40 and under \$60, half to be paid on discharge, and half at the expiration of three months ; \$60 and under \$100, \$20 to be paid on discharge, half the remainder in two months, and the balance at the end of three months more.

In the chapter on the English convict system, Miss Carpenter thus sums up the results of her survey: "We have thus seen some of the indications of the evil existing within the convict prison under the present system. We learn from the witnesses that the officers are afraid of the prisoners, and with good reason; that the convicts are fully aware of their power to do great injury to them, and have found by experience that offences against officers are punished with far greater leniency, when committed by government convicts, than they would be if perpetrated by ordinary persons without the walls. Hence a sort of tacit understanding grows up between the convicts and the warders, the former abstaining from prison irregularities sufficiently to obtain the necessary V. G., the latter not being unduly zealous to observe more than he is called upon to do. Though the dietary is very high, yet frequent thefts of food take place among the men whose duty gives them access to it, and insolent demands to have their rations weighed are made expressly to annoy the warders. The worst possible communications go on among the prisoners, the most daring plots can be concocted unknown to the warders, intercourse can be carried on with free men not connected with the prisons, and the convicts even steal the prison property to obtain in exchange for it illicit indulgences. All these evils are mentioned incidentally by various official witnesses, and appear to be the necessary result of the system adopted. Still more, though industrial work is relied on as a great reformatory means, and the diligent labor of the convicts is spoken of with great satisfaction by many of the official witnesses, yet other competent judges acknowledge that it is not equal to half what would be effected by ordinary laborers; indeed, the slow, leisurely government stroke of convicts is notorious to common observation.

"Again, after the very great attention paid in the separate prisons

of Millbank and Pentonville to the religious instruction of the prisoners, it might have been expected that they would at least have learned to value the means of spiritual improvement; but we learn from the director himself that it is not so—that the convicts do not appear to appreciate it, and that even the short portion of time dedicated every evening to worship is worse than wasted. No traces are anywhere discernible, in these establishments, of progress towards what is better, of anxiety to retrieve the past. Simple abstinence from glaring misconduct is sufficient to obtain a character of ‘exemplary,’ and takes the place of positive effort to do right.

“With such an account of the convict prisons, from officials who would naturally desire to present as favorable a report of them as possible to the commissioners, we do not wonder at the popular belief that any one who enters these establishments must come from them worse than he was before. Those who have not been hardened offenders must become so; those who had belonged to a different class of society must be degraded, and sink to the level of those around.

“We have now formed as complete an idea as possible of the system adopted in our convict prisons in England, for it is derived from the very words of those who are officially engaged in their direction and management, as presented by them to the royal commission. There can be no misrepresentation. These prisons are built at enormous cost to the State, and contain accommodations, the comforts of which might be envied by a large proportion of our laboring population. No expense is spared which might conduce to the attainment of the end proposed. The establishments are under the general direction of gentlemen of distinguished position, who evidently believe that the system they are carrying out is as perfect as it can be made, and who give their utmost efforts to make it succeed. They are provided with an ample staff of officials in every jail, and these are carefully selected men, who receive high encomiums from their superiors for their devotion to duty. Nothing is wanting to complete the whole system as conceived and planned by those intrusted with this most important duty. The annual cost to the county of these convict prisons is above £220,000, after deducting the value of the convicts’ labor, as shown in the directors’ report for the year ending the 31st of March, 1862. This sum, enormous as it is, would be well employed *did the system succeed*—were our convicts reformed, but they are

*not.* The prisons themselves do not attain to that state of steady discipline which is arrived at in well ordered county jails. We might point to various large jails in different parts of the country, and bring as witnesses officials employed in them, who could declare that in their prisons such a state of discipline would never for a moment be tolerated, as is indicated by the facts that the officers are really afraid of the prisoners, whose personal violence is often most dangerous; that these feel their power so completely as to demand the weighing of their food, purposely to annoy their officers; that they steal the rations of the other prisoners, and behave just so far in accordance with the regulations as to escape punishment. It may safely be asserted, without any fear of contradiction, that such a want of discipline and moral tone does not exist in any large jail in the country.

“A wise, firm discipline, too strong to tempt to infringement of its regulations, too benevolent in the spirit of its administration to provoke antagonism, is essential to any improvement, and to the simple establishment of a spirit of obedience. This, the witnesses prove to us, does not exist in our convict prisons.”

## II. THE IRISH CONVICT SYSTEM.

Leaving the English penal servitude prisons, with this rapid and brief survey, we turn now to the Irish system of convict discipline; and, truly, it is like finding, in the midst of a dreary desert, some beautiful oasis, which at once charms the eye and refreshes the mind with its landscape of sparkling fountains and living verdure.

### SIR WALTER CROFTON, ITS ORIGINATOR.

This system owes its existence to the genius, enthusiasm, indomitable energy and fine executive powers of Sir Walter Crofton, an English gentleman, who was appointed chairman of the directors of convict prisons in Ireland in 1854. The state of these prisons, at that time, was most deplorable. The prisoners were morally and physically prostrate. There was a want in them of hope, of education, of everything one would wish to find in prisoners. The wonderful character, as well as extraordinary extent, of the change wrought both in the prisons and prisoners, within a period of thirteen years, will appear in the sequel of this report.

### ITS GERM FOUND IN THE MARK SYSTEM OF CAPT. ALEXANDER MACHONOCHE.

*I have said that Sir Walter Crofton is the originator of this sys-*

tem. It must not be concealed, however, that the germ of the system is found in the discipline and fully set forth in the writings of Capt. Alexander Machonochie. That remarkable man, by a system devised by himself and named by him "the mark system," in an incredibly short space of time, transformed the community of ruffians, brutalized and degraded to the lowest depths of vice and crime, in the penal colony of Norfolk Island, into a community of peaceful, obedient, well conducted men. And this he did by working *with* nature rather than *against* it. He gives the key to his discipline in a pamphlet, published by him in 1846. He says: "Banish slavery from our list of punishments, rely on influence rather than force, and surround with *motives* as well as walls, and the remedy will be found as certain as is now the evil, and the benefit to humanity will not be inferior to any that has been compassed in modern times. \* \* \* \* What is wanted in our conflict with crime, is to give due importance to the object of reforming our criminals, and to study every means by which we can make severity subservient to that end. \* \* \* \* But this is only one branch of the subject. We must make our whole arrangements in the arrest of crime prospective rather than retrospective; preventive rather than merely remedial."

#### ITS FUNDAMENTAL PRINCIPLES.

The convict system of Ireland claims to be, and in point of fact is, reformatory in its design and operation. This system rests upon two simple principles, but they are broad enough and strong enough to support firmly the entire structure. The first of these principles is, the subjection of the convict to adequate tests prior to his discharge, whereby his reformation can be determined with a reasonable degree of certainty,—the creation of some process whereby the reformed can be, as it were, filtered away from the unreformed. The second principle is individualization, that is such an arrangement of the discipline that each man's case may be separately handled with reference to his antecedents, character, actual state of mind, and the necessities resulting from a combination of all these elements.

#### THREE STAGES OF IMPRISONMENT PROPER.

Of imprisonment proper in the Irish system, there are three distinct stages. The first of these has a strongly punitive character; *the second is, also, in a high degree, penal*; while the third, which *affords the principal theatre* for the operation of those tests of

reformation to which reference was just made, loses the penal element almost wholly. There is a fourth stage, which precedes complete liberation from the grasp of the law, viz: release on ticket-of-leave, a conditional pardon to those who prove themselves worthy of it; in which there is an entire absence of the punitive element.

#### GENERAL ADMINISTRATION.

The ultimate power of control and government over the convict prisons of Ireland, is vested in a board of two directors, who receive their appointment from the Lord-Lieutenant. They devote their whole time to the interest of the several prisons under their care, for which they receive a salary of \$1,800 to \$2,400. The directors appoint inspectors, who act under their direction, and are charged with the daily inspection of the prisons, and are carefully to look into every department, and daily to report to the directors.

The directors reside in Dublin, and visit the prisons personally, very frequently.

All other officers receive their appointment at the hands of the Lord-Lieutenant. A probation, extending through six months, during which the character, conduct, and ability of the candidate are carefully studied, and a daily record is kept of the same, must precede a full appointment to office. Neither political nor personal considerations have anything to do with such appointments. Merit, fitness, qualification—this alone is regarded in appointing men to official positions in the prison.

#### FIRST STAGE OF IMPRISONMENT.

The first stage of imprisonment, for males, under the Irish system, is at the prison at Mountjoy, on the north side of the city of Dublin; and here also, is the only female convict prison in Ireland, where criminals of that sex, pass the entire period of their imprisonment, till they are transferred to one or the other of the two Refuges provided for them, which, in their case, supply the place of the intermediate prisons for men, there being no intermediate prison for women, under that name.

There are two prison buildings, each erected of Irish granite and limestone, which, however, have no connection with each other. They are plain, but substantial structures; the male prison containing 480 cells, and the female 540. The cells are 14 feet long, 8 wide, and 12 high, with arched ceiling. They are each furnished

with wash basin, water closet, hanging bedstead, straw mattress, pillow, two blankets, tin dish, soap, towel, gas burner, &c. The prisoners do their work and take their meals in their own cells. But they do not have separate exercising yards, nor separate stalls, either in the chapels or the school rooms. Of course there is no necessity for putting masks on them, nor is this ever done. Of course, also, prisoners take their exercise, attend upon public worship, and receive secular instruction, *in association*. The officers, while they warmly advocate separation, as an important element in the earliest stage of penal discipline, are, at the same time, unanimously and decidedly opposed to mere negative and mechanical barriers, which result, and ever must result, in underhand, secret communication constantly going on among the prisoners. They believe, with Lord Stanley, and all others who have studied the subject deeply, and with unprejudiced minds, that "the reformation of men can never become a mechanical process."

The first impression made by a visit to Montjoy is well described by Miss Carpenter. "The ordinary visitor," she observes, "is struck with the extraordinary cleanliness of every part, the brightness of the brass fittings and the polish of the metal staircases. There is a certain beauty in the symmetry and regularity of the whole, which, at first sight, removes from the inexperienced observer the anticipated awe and terror. The long galleries, tier above tier, give one the feeling of perfection of adaptation to some special object which is not unpleasing. The arrangements to save the labor of the officials, and to secure to the inmates of the place a supply of their wants and a certainty of proper attention in case of sickness, are admirable."

I have already observed that the first stage of imprisonment is intended to be, and it is certainly made, as a matter of fact, in a very high degree penal. The cellular or separate system of incarceration is adopted here, and convicts, except when exercising or attending religious services or school, are completely isolated from each other. Eight months of solitary confinement is now the ordinary rule; but this may be shortened by uniform good conduct, as it may be lengthened by bad. In no case, however, can it legally exceed twelve months. During the first four months of this stage the prisoners are compelled to sleep on a plank, with a box for a pillow—a degree of severity which struck me as excessive, and bordering on cruelty. Their diet during this period is *very low, no meat being allowed them*, and their work is picking



**okum.** At the expiration of four months they are provided with beds, their diet is improved, and they are tried at some other employment.

The prisoners, on their first commitment to Mountjoy, are generally full of antagonism, often of defiance; but they soon find that the power over them is more than a match for their utmost strength, whether of will or endurance. At first, the seclusion is absolute and complete, except as before stated, at exercise, worship and instruction; and even at such times, all communication is inhibited. After a while, the cell door is thrown open a part of the day, while the prisoner is at work, then all day. This slight approach to society is felt to be a great privilege, and is forfeited and withdrawn for any misconduct. But even in the midst of this stern and severe discipline, justice is ever tempered with mercy, and hope sheds its mild and cheering light upon the prisoner. His fate, from the first hour of his imprisonment, is put measurably in his own hand. He is made fully acquainted with the rules, and it is impressed upon him that his future condition will depend mainly on his conduct day by day, of which careful records are kept. The treatment of those who have charge of him, though governed by a strict regard to duty, still shows concern for the welfare of each, and the effect of this feeling upon the convict is truly marvellous. Governor, physician, chaplains, schoolmaster, warders—all seem animated by the same impulse of humanity.

In this first stage, the convict has the advantage of much time devoted to his religious and secular instruction.

There are three able and zealous chaplains, viz.: Catholic, Episcopal and Presbyterian, and three plain but clean and comfortable chapels. Daily religious services are held in these, and public worship twice every Sabbath. Much attention is given to the mental culture of the prisoners in this stage. There is an accomplished head-schoolmaster, who is aided by one or more assistants, and the prison schools are subject to the supervision of the same official inspectors as the national schools. The district inspector speaks in the highest terms of praise respecting the education given at Mountjoy. In a report addressed to the Chief Secretary for Ireland, he says: "The course of training and instruction given in this school, and the proficiency and skill attained by the pupils are very good. Nothing could exceed the order and *cleanliness of the school* and the good behavior of the convicts.



Their cheerful anxiety to read well and to answer the questions put to them were most gratifying. When their age and circumstances are considered, with the short school time allowed them, one hour each day, the discipline which, in their class, could have produced these results, must be very excellent." In truth, the instruction here is given in a very effective manner, and the intelligence of the convicts is developed in a remarkable degree.

One lesson, most effectively taught here, is the whole structure, scope and bearing of the "Irish Convict System." The prisoner is made to understand that he can reach the intermediate prisons (third stage) only through his own exertions, measured by marks earned in the second stage. As the shortening of his sentence depends upon the date of his admission to an intermediate prison, it is clearly to his interest that he should be well informed upon this point, and a strong mental impression is usually made upon him by this information. He feels that he is within certain limits, made the arbiter of his own fate, the artificer, so to speak, of his own fortune. That antagonism, often fierce and defiant, which he first felt towards the authorities placed over him, gradually melts away and disappears; and, in its place, comes a conviction that kindness and sympathy meet him where he had anticipated only harshness and oppression.

This first stage of imprisonment will have done good work if it succeed, and it commonly does succeed in planting in the convict's mind the feeling that there is an active co-operation existing between himself and those to whose authority he is made subject during its continuance.

#### SECOND STAGE OF IMPRISONMENT.

At the expiration of the period of separate confinement, whether longer or shorter, the convicts are transferred to prisons, in which they are employed in the execution of government works. If they are laborers, they are sent to Spike Island prison, near Cork, to be employed on the fortifications; if artizans, they are sent to Phillipstown prison, where they work at in-door trades.

This stage, though less penal than the first, still partakes strongly of that character, and the prisoners are subjected to a very strict surveillance, particularly during the earlier portion of it. During the day, they work in association; at night, they are confined in separate cells. The change is, undoubtedly, very *great from the isolation of Mountjoy*. Association with fellow-

convicts presents strong temptations to insubordination, and necessitates, for a time at least, the rigid watchfulness spoken of above.

The distinctive feature of the Irish convict system, in the second stage, is the employment of marks to determine the classification. The "mark system" is a minute and perfectly intelligible monthly record of the power of the convict to govern himself, and its great utility is that it clearly reveals and brings home to him, that his progress towards liberation, within the period of his sentence, can be furthered only by the cultivation of qualities the very opposite of those which brought him where he is.

The maximum number of marks attainable by a convict each month, is nine, viz. : three for "discipline," that is, general good conduct; three for "school," that is, the attention and desire shown for improvement, and not the absolute proficiency made in the attainment of knowledge; and three for "industry," that is, diligence and fidelity in work, and not the mere skill shown therein.

There are five different classes in the second stage, and a certain number of marks must be obtained by the convict before he can be advanced from one class to another. The five classes are thus named, beginning with the lowest—probation class, third class, second class, first class, and exemplary class.

Some convicts are not detained in Mountjoy prison, during the legal period of cellular imprisonment, but are sooner transferred on medical grounds. These, on their transference to Spike island or Phillipstown, are placed in the probation class. Some, who have passed the whole period in the separate prison, are transferred with the report against them of "bad," or "very bad." These also are placed in the probation class. Those who are transferred before the proper time, must remain in the probation class, until they shall have completed the period prescribed for convicts to be kept in separate confinement, and even then they are not removed from this class, unless their conduct in it has been satisfactory. Prisoners who have completed their term of separate imprisonment, and whose character on their removal, has been reported as "bad" or "very bad," are also placed in the probation class, are specially dealt with, under a modified system of separation, and cannot be removed from it without the sanction of a director. The treatment of prisoners in the probation class, is assimilated to the discipline enforced in the Mountjoy separate confinement prison, as far as circumstances will permit, and the *medical officer sanctions*.

All prisoners, who have completed the prescribed period in separation, and, who, at the expiration thereof, are not reported as "bad" or "very bad," pass at once, on their transfer to the public works' prisons, to the third class. If they enter this class with a report of "exemplary" during their separate confinement, they can be promoted to the second class in two months, by the acquisition of 18 marks, the maximum number attainable. If they enter with a report of "very good," they are eligible for promotion in three months, by the acquisition of 27 marks; if "good," in four months, on gaining 36 marks; and if "indifferent," by earning 56 marks. If, however, they do not gain the required number of marks within the minimum time, their promotion is delayed beyond the periods above mentioned, until such time as the requisite number is attained. A convict can raise himself from the second to the first class in six months, by gaining 54 marks; and from the first to the exemplary in one year, by gaining 108 marks. As a matter of course, if they do not gain the required number of marks in the minimum time, they will be longer in earning their promotion.

For misconduct a prisoner may be degraded from the exemplary to the first, second or third class; from the first, to the second or third, and from the second to the third; and every prisoner so degraded is liable to forfeit any and all advantages previously gained. But any prisoner who has been degraded is eligible for re-promotion, without the necessity of passing the full time, laid down for his first promotion. The time varies according to the nature and aggravation of the offense, for which he may have suffered degradation, although in no case can he be promoted until he shall have passed at least two months in the lower class.

The time during which a prisoner will have to remain in the exemplary class, before he can be removed to an intermediate prison (third stage), depends upon the length of his sentence. A convict sentenced for five years, which is the shortest sentence to government prisons now allowed by law, must pass at least one year and two months in the exemplary class prior to his removal to an intermediate prison; a convict sentenced for fifteen years must pass at least five years and eight months in the said class, and a convict sentenced for any number of years between these limits must pass a period therein, varying with the length of his sentence. Convicts sentenced for five years can, by uniform good *conduct*, gain a remission of one year; those sentenced for ten

years, a remission of two and a half years; those sentenced for fifteen years, a remission of five years, and those sentenced for other periods, a remission proportioned to the length of the sentence on a similar scale.

From the foregoing detail it will clearly appear that the prisoners most successful in combating self and in climbing the ladder of self-control and industry, will soonest obtain the required number of marks, and of course soonest reach the goal to which they lead, viz., the intermediate prison, and thence the liberty for which they are supposed to have been made fit by those excellent school-masters, self-reliance, self-government and manly industry. Here, again, it is made manifest that the fate of the prisoner, within certain limits, is placed in his own hands, is made to depend wholly on himself, and the mighty stimulus thus supplied to conquer self, to acquire knowledge, to practice industry and to cultivate all the virtues, becomes very intelligible.

Trifling and almost contemptible as this mark system may appear to those not conversant with its operation, it is found, as a matter of fact, to realize to the mind of each individual prisoner, very clearly and very fully, his progress in self-denial, self-control and all good and desirable qualities. It brings out and makes manifest to himself, as well as to others, the manhood that is in him, and thus teaches him the great practical lesson of self-confidence and self-help. Unanimous and decided is the testimony of the officers to the intense interest taken by the convicts in the attainment of their marks, and the jealous care with which they treasure them up in their note books.

Various and constantly increasing inducements to good conduct are held out to the convicts in this stage, besides the mere progress towards liberation. Such distinctions are made between the several classes therein, and such privileges granted to each as, without impairing the discipline or interfering with the performance of a due amount of labor, are calculated to furnish incitement to and give encouragement in a course of vigorous self-restraint and self-culture.

While it is duly impressed upon the mind of each convict that, during the period of his imprisonment, he has no claim to wages or remuneration of any kind or to any extent, nevertheless, as a reward for good conduct and industry, a certain fixed but moderate gratuity is credited to deserving men, which is constantly *increasing as they advance towards liberation*. These gratuities

are awarded to prisoners according to the classes in which they are found. They are at present regulated according to the following scale: Probation class, nothing; third class, two cents per week; second class, four cents; first class (first six months), six cents; first class (second six months), eight cents; exemplary class, fourteen cents. Besides these fixed gratuities, prisoners, by extra exertion and industry, may be recommended for a further gratuity, not exceeding, for the first, second and third classes, four cents per week, under rules approved by the directors. Moreover, as a check to misconduct, prisoners under punishment, or those not executing their work in a satisfactory manner, forfeit all claim to gratuities during the month or months in which they may have so misconducted themselves. Still further, any prisoner attempting to escape, or guilty of an act of violence or outrage, is liable, at the discretion of the directors, to forfeit any and all gratuities which may have been previously placed to his credit.

The amount of gratuity credited to a prisoner is paid to him, by instalments, after his discharge, or is laid out for his benefit, at the discretion of the directors, under regulations prescribed by the government.

The conduct of prisoners is recorded in books severally entitled as follows:

1. Discipline Conduct Book, in which is shown the conduct of each prisoner with regard to his obedience, willingness, cleanliness, order, regularity and general demeanor.

2. The School Conduct Book, in which is shown the attention and desire evinced by each prisoner to improve himself in the school, and to profit by the instruction and advice offered to him by his chaplain and schoolmaster.

3. The Industry Conduct Book, in which is shown the conduct of each prisoner, as to his industry, including as well his willingness and cheerfulness therein, as the amount of work actually done by him.

In each of the above books a record is made every month for each prisoner, as follows: V. G. (very good); G. (good); O. (ordinary); B. (bad); V. B. (very bad). For each V. G. obtained by a prisoner, he is entitled to three good conduct marks; for each G., to two; and for each O., to one. The value of these marks, and their effect in hastening a convict's liberation, have already been explained.

4. The Prisoners' Misconduct Report Book, in which are recorded *all misconduct and offenses* committed by prisoners against

the rules and discipline of the prison, together with a brief summary of the evidence adduced in support thereof, any representation which a prisoner may make, either in his defense or in extenuation of his misconduct, and also the decision of the governor in the case. Reports of misconduct are classed under the following heads: "Nil," (nothing); slight; misconduct, first degree; ditto; second degree; ditto, third degree. All reports of misconduct on the part of prisoners, which have either not been proved or have been satisfactorily explained away, are classified under the head "nil."

No punishments are inflicted other than admonition, deprivation of a meal, close confinement, with bread and water diet, forfeiture of gratuities or other privilege, alteration of badge, and degradation to a lower class, or even to the discipline of Mountjoy—all, as will be seen, chiefly or wholly of a moral kind.

5. The Prisoners' General Character Book, in which are recorded the crime and sentence of each prisoner; all information received relative to his general character previous to his conviction; his former convictions, if any; his character as reported from any prison or prisons in which he may have been confined; a list of all the reports of misconduct recorded against him, with the punishments awarded; a register of the conduct badges given to him from time to time, together with any additional observations the governor may think proper to make, relative to his conduct, character, disposition, &c., &c.

The above named books are all to be kept by the governor, or under his directions; and at the close of each month that officer must make a careful examination of the entries for that month, and must, according to the records therein contained, appoint the badges to be worn by each prisoner for the ensuing month.

The several classes of prisoners in this stage are distinguished by such dresses and badges as are appointed by the directors. The dress of the prisoners in the probation and third class is a simple grey. The second class are distinguished by a light blue facing on the cuff and collar of their jackets. The first class, by a similar facing of a red color. The exemplary class wear a dress of an entirely different color from that worn by the prisoners in the other classes.

Each prisoner wears two badges; a "register badge," on the right arm, to mark his sentence and register number, and a "conduct badge," on the left arm, to mark his conduct and progress.



The conduct badge is given to each prisoner on the first of every month, and shows—first, his class; secondly, the number of good conduct marks to be earned by such prisoner, before he can be promoted to a higher class; thirdly, the number of marks gained by him, during the preceding months; and fourthly, the total number of marks that had been gained by him, previous to the first day of the month for which such badge had been issued.

The conduct badge of the exemplary class is white, with the letters and numbers thereon of brass. That of the first class is red, with the figures black; that of the second class light blue, with the figures in black; that of the third class yellow, with the figures in black.

When the convict attains the exemplary class, he is employed on special works, and kept apart from the other convicts. His school instruction and lectures take place in the evening. Throughout the whole of this stage secular instruction is imparted by able schoolmasters.

I might extend my survey in this stage to a multitude of other particulars, but I do not propose to enter into a lengthened detail. Suffice it to say that every circumstance by which the prisoner is here surrounded tends to enlarge and strengthen those influences which are contributing to his reformation, and he becomes himself thoroughly enlisted in this great work. There is a real, hearty, effective co-operation between him and the officers in bringing about the desired consummation. The whole method of treatment here is humane, considerate and adapted, in a pre-eminent degree, to secure the utmost amount of hope and improvement for the prisoner; and at every step he is made to feel that he is himself the true regulator of his own condition in the class to which he may at any time happen to belong, and of the period, within the rules, of passing from it to a higher.

#### FEMALE CONVICT PRISON AT MOUNTJOY.

Before passing to a consideration of the third stage of imprisonment in the Irish convict system—the intermediate prisons—it will be proper to turn our regards back to the female prison at Mountjoy, because, as has been already stated, the entire period of the incarceration of women is passed at that prison, until their removal to one or other of the refuges provided for them. An interesting paper on this prison, by Miss Jellicoe, was read before the British Association for the promotion of social science, at their annual



meeting in 1862, from which the following extracts will present a sufficiently extended view of its condition, working and results.

"This prison, situated in a healthy locality, is constructed partly on the plan of some English prisons, with various improvements adapted to differences in the mode of treatment administered.

\* \* \* \* The outer offices are appropriated to the use of the lady visitors, chaplains, and the staff of matrons and assistants, all of whom are respectably dressed in black, according well with the surrounding associations, and setting an example of simplicity in dress, much needed by the younger portion of the prisoners. The active, cheerful, energetic superintendent, Mrs. Lidwell, here takes possession of the order of admission, and you may then receive a lecture on classification from the lady in charge of the books, and can inspect the sorrowful registry of crime, and look hopefully on the cheerful records of amendment. A complete history of each prisoner, from the day of conviction, with particulars of former crimes, is entered in one of a formidable array of books, kept with the utmost precision.

"Quitting this region of facts and figures, you pass through the great glass door of the prison, and dazzled by the brightness of the interior and its exquisite cleanliness, it requires an effort to remember that over four hundred of these outcasts of the people are here expiating their offences against society. Four wings, each containing three tiers of cells, are connected in the centre by light bridges or balconies of iron ; from these the superintendent can overlook the galleries and see the matrons on duty. Each matron has the care of thirty-three on the lock-up classes, and twenty-five on the advanced. She has also to keep a journal, work book, and record of conduct of each individual of her class. This must be countersigned weekly by the superintendent, and copied into the registries. The prisoner is thus made aware how much her own welfare depends on her good conduct ; her power of self-control is strengthened, her temper becomes calmer, and her own sympathies are quickly enlisted in the efforts made for her reclamation. An essential part of the training is the lectures or explanations given to the women on the nature of classification, and the means by which an improvement in their condition is attainable. The superintendent herself instructs the matrons in this duty, and the plan has been found most successful in awakening the intelligence of the criminal. The periods both of *probationary and intermediate* treatment of the female convict are passed

through in this single prison, and in most cases the portion of time remitted by ticket of license, is spent in the refuge; in consideration of the greater susceptibility and weaker bodily fibre of women, four months only of separate confinement are allotted to them, which can be prolonged if the prisoner shows a disinclination to improve. Such instances are, however, rare. In the next step (the third class) she is permitted to sit at the door of her cell for a certain period each day, under the care of the matron. She begins to receive "marks," of which she may obtain nine monthly—three in discipline, three in industry, and three in school. Another class must be gained before she reaches the associated stage, where the prisoners work together, but still sleep alone. In each of these gradations the marks increase proportionately in money value and freedom from restraint. The advanced class is the highest into which those eligible for the refuge are drafted, to be again sub-divided for laundry work, &c., as a further test of industry. Marks cease here. The reward eagerly coveted by all is the being selected for the refuges, the lady managers having the right of selection.

"All the prisoners take regular exercise, and attend prayers morning and evening, as well as divine service on the first day of the week; and, as a proof of the power of moral supervision, the visitor may perceive that the divisions so necessary in prison chapels are here done away with, each class occupying its allotted seat, at the end of which the matron on duty is seated. In passing through the progressive convalescent wards of this moral hospital, the school-rooms present a very interesting spectacle. Mingled with the younger and more hopeful countenances, faces, from which every vestige of the old seal has been effaced, look up at you from the treadmill of the alphabet; all seem anxious to try; school becomes daily more prized, and, even when little progress is made, is a relief from mopey thoughts and morbid imaginations. One venerable old dame, long the terror of the poultry yard, confessed she could make no hand of the reading, but triumphantly pointed to the badge that testified to her industry and good conduct.

"A little colony of infants, poor prison flowers, to whom even the air of a jail is pure, if compared to that from which they have mercifully been taken, flourish in a corner of their own; children born in prison, and those under two years being received. They *seem happy, and even joyous*, and possess advantages which I

should be sorry to see exchanged for the workhouse school, although poverty is there the only imputed crime.

"Those who imagine from what has been said that this prison can, by any means, be reckoned a paradise for criminals, are widely mistaken; on the contrary, the deterrent principle is in full force there; the regularity, the restraint, the plain diet, (not even a cup of tea), are regarded with wholesome dread, as the ladies who manage and superintend the refugees can testify. The utmost punishment that can be inflicted by the superintendent is three days incarceration on bread and water; severer measures rest with the directors."

### THIRD STAGE OF IMPRISONMENT.

In any effective prison system, it will be found absolutely necessary to place the felon at first under rigid restraint, and make him *feel* that "the way of the transgressors is hard." But, on the other hand, if the reformation of the prisoner be the ultimate object in view, it is equally indispensable that this restraint be by degrees relaxed, and that the lesson of active exertion and self-control be imparted, in the place of mere passive submission to external authority. If the criminal is ever to be reclaimed and taught to "walk uprightly," artificial props must be gradually withdrawn. In the Irish system this object is never lost sight of. The convict's right to self-government is restored to him as rapidly as he is prepared for its safe exercise. When they reach the advanced or exemplary class under this system, the men, as we have seen, are separated from their fellow prisoners, are employed on special works, are under comparatively slack supervision, and are consequently surrounded by many of the temptations of ordinary life. In a word, the artificial props on which they previously leaned for support are nearly all removed, and they must stand by their own moral power, or yield, with the certainty before them of degradation to some lower class, or possibly to the solitary discipline of Mountjoy.

But after passing at least a year in the exemplary class, or a longer period if the length of their sentence so require, they become eligible for removal to an intermediate prison (of which there are two), *the third stage*, where even the last slight props are as far as possible withdrawn, and the convict, to use Captain Machonochie's phrase, is left to "stand on his own legs." This

stage is but slightly penal, and the convicts who are passing through it enjoy almost as much freedom as laboring people in civil life. All surveillance is withdrawn; they labor without an overseer; they are trusted to go of errands anywhere in the city of Dublin and through the country, and to work beyond the prison limits; and they are only locked up at night, and even then not in solitary cells. They converse together as freely as any laboring men do; no restriction whatever is placed upon this, except those moral, self-imposed restraints, which result from an honest and diligent attention to work. The convict's gratuity is now increased to fifty-four cents a week, and, for the first time since his imprisonment, he is permitted to spend a small portion of it (twelve cents a week) on any personal gratifications he may choose, except intoxicating liquors. Very few of the prisoners, however, avail themselves of this privilege, but allow the whole of their weekly gratuity to be placed to their credit and added to previous accumulations. In fact, one main design of the permission is to teach them habits of thrift through the practice of voluntary self-denial.

There are two intermediate prisons, one at Smithfield, in the city of Dublin, where those are placed who are to be employed in mechanical labor, and the other at Lusk, some twelve miles from Dublin, where prisoners go who are to devote themselves to farm work. These are called intermediate prisons, because they occupy a middle ground between imprisonment proper and absolute freedom, partaking measurably of each element, but being in strictness neither the one nor the other.

No marks are given in this stage; indeed, there are none given in the advanced class of the second stage. The design of the intermediate prison is two-fold, viz: First, to test, prior to the convict's liberation, the result of the self-discipline practised in the previous stages; and, secondly, to prepare him for full freedom on his discharge by the enjoyment of partial freedom preliminary thereto.

"Individualization" is the leading principle in the intermediate establishments; consequently the number is small in each; it is not intended that it should ever exceed one hundred.

The training is special, and the position of the prisoner is made as natural as possible. There are no walls, and the number of *officers* is so small that physical restraint would be impossible; *but even if possible, it would be quite out of place, because incon-*

sistent with the principles on which the intermediate prison is founded. In point of fact, no more restraint is exercised over the inmates than would be in any well regulated establishment, having no penal character whatever.

This is, obviously, essential to carrying out the design of such institutions, because, first, the convict must be convinced that you really trust him, and give him full credit for the amendment he has illustrated by the marks given him in the preceding stage; and because, secondly, the public must be convinced that the said convict may, on his discharge, be considered, upon reasonable grounds, fit to be safely employed.

Now, how can such a result be attained? How does it become possible? The answer is—and this principle is fundamental to the system—that the convict is co-operating, freely and heartily, in his own amendment. The conviction is sure, sooner or later, to force itself upon his mind, that the system, however penal in its development, is intended for his benefit, and, unless defeated by his own perverseness, will surely in the end work out that benefit.

Instruction, both religious and secular, is fully, faithfully and ably given here. The peculiar feature of this stage of imprisonment is, that, in addition to regular daily school lessons, the convict hears lectures (five each week), by a competent and accomplished lecturer, of an interesting, instructive and profitable character, which not only point out the wickedness and danger of criminal pursuits, but show him the course he should take to amend his life, impart to him the elementary principles of natural science, convey to him a fund of historical and geographical knowledge, point out to him where his labor is most likely to be required and to meet the largest remuneration, and instruct him in a vast variety of subjects connected with the details of practical life. It is wonderful what a waking up of the dormant powers of intellect, what a development of all the elements of manhood, is effected even in the most vicious and degraded by this course of training.

The result of all is, that the mind of the convict comes to be, truly and thoroughly, in alliance with the minds of those placed over him, and what at first sight might have been thought impracticable has been for years a fact, as indubitable as it is gratifying. It is not, indeed, claimed that the mind of every prisoner here is bent upon well-doing; but it is claimed, and the correctness of

this position cannot be gainsayed, that the general feeling is that of a desire to amend, and that the tone and current of public sentiment in the prison is in the closest sympathy with the system. What a mighty as well as beneficent moral power must result from such a state of things, is obvious on the least reflection; a power which it would be quite impossible to secure by any mere routine or mechanical appliances. The convict feels the noble purpose of the system; its benevolent scope is made clear to his mind and impressed upon his heart; he knows and realizes that he is an individual whose case and progress are specially noted, and have been watched, from month to month and from year to year, with the most friendly interest; and he therefore cheerfully and cordially co-operates with those who desire and are laboring for his amendment.

Smithfield is a very old prison, situated in the outskirts of Dublin, and is quite unique in its appearance and internal arrangements. The employments here are various, such as tailoring, shoemaking, carpentry, &c. The prisoners work in shops, in association, the same as mechanics do in any well regulated establishment outside. They are allowed to converse freely, upon all proper subjects, and dress the same as the working class of citizens. Useful books are furnished them to read. They are instructed by a regular teacher, and are also allowed to teach each other, and this associates labor with the acquisition of useful knowledge, in a way to make both attractive.

The prisoners are now under the supervision of an efficient governor and warders, who make it their business to enforce implicit obedience to the minutest rules of the establishment.

There is a prison lecturer, whose duty it is to give lectures five afternoons each week, to the prisoners at Lusk, and as many evenings to those at Smithfield. Mr. James P. Organ now holds, and has held ever since the origin of the system, that office; a position for which he is, in every way, pre-eminently qualified. He also holds another office—that of inspector of released prisoners—whose functions will be described by and bye. Mr. Organ appoints each Saturday night, for a species of competitive examination of the prisoners, upon the subjects on which he has addressed them during the preceding five days. The results of this plan were quickly evident. The men were anxious to show *their attention* and memory, whilst their perceptive and reasoning *powers were fully evidenced* in the nature of the queries addressed



to each other. Those who are able to write, make notes of the lectures in blank books, and it is most interesting to remark the quickness with which they detect errors in the answers, referring to their notes in case of any dispute as to accuracy.

It was my privilege to be present at one of their Saturday evening exercises. The exercises were held in the chapel, which is situated in the prison yard. It is an old structure, built upon the gothic order, with groined roof, and in its somewhat dilapidated appearance presents no very attractive object. When I arrived there, in company with Mr. Organ, we found the prisoners arranged on seats in an oblong circle around the chapel, with a table in the centre, for the use of the lecturer.

Mr. Organ introduced the exercises of the evening by numbering the men, they counting themselves from 1 to 60. He then called on No. 1 to propose a question. It is proper to state here that no person is allowed to propound a question that he is unable to answer himself. When the interrogator puts his question, all who think they can answer rise and remain standing. The first answers briefly, then the second, third, fourth, and so on until all are done. If the question has not been fully or properly answered, the interrogator is requested by Mr. Organ to give his views. Should the answer still be unsatisfactory to the lecturer, he comes to the rescue, and goes into a more detailed explanation of the subject. Brief discussions are also allowed. One prisoner will call for the recitation of a poem by some celebrated author; another for some passage of history; a third for a passage of Scripture, &c., &c. As a specimen, one question and the answers and discussions growing out of the same, will be given here as nearly as possible in the very words of the speakers. The question was, "Who is benefited most by strikes among workmen?" The first speaker replied, "The pawnbroker, rag dealer and rum seller." The second said, "I think the mechanic and laboring man has a right to get the most he can for his labor, that being his only capital, and he has a perfect right to strike for higher wages." The third answered, "I can see no good resulting from strikes. It is true I may strike for higher wages, but then I may, in consequence, be long out of employment, and during that time may indulge in bad habits and injure my reputation, so that I can get work only occasionally in very brisk times." A fourth said, "There can be no doubt but I have a right to try and get the highest market price for my labor, provided I do it fairly. There



fore, if I am not satisfied with my wages, I have a right to quietly leave one employer and go to another, but I have no right to interfere with other workmen of my class to prevent them from working because I am dissatisfied with the amount of pay I get. This, as I understand it, is the nature and operation of strikes. Now take a case by way of illustration. Suppose I am a builder, and, as such, I contract to build a house. Of course I base my estimates on the present price of materials and on the ruling rate of labor (say twenty shillings per week). I go on with the job till the building is half done; then you, as one of my workmen, say to me, "Sir, I can no longer work for twenty shillings, I must have thirty." This you have a right to do, and if I say I can't afford to give it, and you quietly leave me, this is just and proper. But if you not only quit my employ yourself, but induce my other men to join you in a strike, with a view to coerce me to pay the increased wages demanded, or else my work cannot go on, you place me in a position where nothing but ruin awaits me. If I do not finish the job, I am liable for damages for breach of contract, and, on the other hand, if I pay you and all my other men the increased wages demanded by your strike, I must lose money by the job. The effect, then, of the strike is to ruin me, and I ask is this just? As for yourself, you have probably been out of employment so much, as the effect of your strike, that you have really earned no more money than you would have done at the lower wages." At the conclusion of the discussion, the general verdict was, that strikes produce nothing but evil.

At this point the scene changed somewhat. Three men, just received from Spike Island, were introduced in the chapel. The first, a tall, lank, boney, red-haired fellow was called up. He came forward, body stooping, head hanging down, limbs shuffling, and, in all respects, a striking specimen of an awkward person. The lecturer made several attempts to induce him to hold up his head, and stand erect. The scene was ludicrous in the extreme, the performance being conducted in a way peculiar to the Irish character. After getting the man fixed in somewhat of a stately posture, he quaintly said (and this was done in a way that the other prisoners seemed to understand and enjoy very much), "Now, sir, did you ever laugh while you were in the other prison?" "No," replied the prisoner, in the most sedate manner possible. The lecturer then, in a very amusing manner, asked *him*, "*Will you not please to laugh for us once?*" This seemed

to be the signal for a regular outburst, and for a moment all indulged in a hearty guffaw. This, Mr. Organ remarked, was done to break the monotony of prison life, and to cause the prisoners to give free play to their faculties during the exercises. No prisoner, he assured me, ever attempts to take undue advantage of these indulgences. The three prisoners who had just been received from Spike Island, were then questioned on various subjects, with three others of like natural capacity, who had been in the intermediate prison three months; and the contrast, in point of intelligence, readiness and manly demeanor, was truly astonishing. Mr. Organ remarked that these were quite as stolid and awkward as the others, when they were first admitted into Smithfield. The following list embraces only in part the subjects debated, questions answered, and pieces recited, on the occasion of my attendance. The poems and other pieces were rendered with excellent effect, and the debates were conducted with no little dignity and ability, a specimen of which has been given in the report of the discussion on strikes :

1. The destruction of Sennacherib's host, by Lord Byron.
2. The effects of strikes.
3. Name the principal seaports in the Mediterranean.
4. Define sincerity.
5. What are taxes, and why paid ?
6. Why are workmen paid higher in a new country than in an old?
7. What is capital, and how many kinds are there ?
8. What led to the French revolution ?
9. Name the six mechanical powers.
10. Repeat Mr. Organ's lines upon crime and industry.
11. Recite the burial of Sir John More, by Wolfe.
12. Name the miracles and parables of the Redeemer.
13. Who chiefly aided Columbus to discover America ?
14. Repeat the late Earl of Calisle's lines upon a jessamine tree, and give the character of the late Earl himself.
15. Box the compass.
16. Recite the lines upon passion and revenge.
17. Repeat the lines on the Spread of the Gospel, by Bishop Heber.
18. The difference between a fit and unfit emigrant.
19. To whom are we indebted for the steam engine ?
20. The character of George Washington.
21. *The services of Washington to his country and mankind.*

In addition to such exercises as are described above, one of the best subjects for instruction has been provided in the form of a small, full-rigged ship, the hull of which is about six feet long. It is fitted with masts, spars, halyards, sails, and, in fact, is made as complete as so small a vessel could be. It is placed upon wheels, and can be moved about on the chapel floor, when used for purposes of instruction, and when not in use, it is hoisted up to the rafters of the chapel, entirely out of reach. I had the pleasure of seeing this ship lowered down, and one of the prisoners, a seaman by profession, was called out, and the exercise of the evening went on as follows:

Mr. Organ. "Well now, Captain, I want you to name the sails of that ship, and do it in such a way that all can understand."

Prisoner. "Aye, aye, sir." He then began, and, seamanlike, proceeded to name them so fast that none but regular sailors could follow him.

Mr. Organ. "Stop, Captain, you go too fast; no one can tell what you mean; begin again and proceed more slowly."

Prisoner. "Aye, aye, sir." Then deliberately, with a cane, he pointed to each sail, called it by name, and mentioned its uses; then the spars; then the standing rigging; then the halyards; and so on, till all had been explained in a way that the most stupid prisoner could understand. These exercises are repeated time and again, and in this way a large proportion of the inmates of Smithfield, who never before saw a ship, are so far instructed in seamanship that, on their discharge, they often at once take to the sea, and some of them become skillful sailors; while others work their passage, some to Australia, some to Canada, some to California, and others to other parts of the world.

The exercises of the evening were closed by several prisoners (all good singers) manning the rope, preparatory to hoisting the little ship up to its place. When all were ready, the captain led off, singing the words of one of the seaman's songs, and all the men, having hold of the rope, joined in singing the chorus. The hauling went on, just keeping time with the singing, so that the song was finished at the moment the ship was up amid the chapel rafters. The prisoners were now (about nine o'clock in the evening) dismissed. All resorted to the yard, lighted their pipes, had a social chat, and prepared for the repose of the night.

It will not be out of place, perhaps, to introduce, at this point,

a little piece of history, as it has a close connection with the matter on hand.

The late earl of Carlisle, during his administration as lord-lieutenant of Ireland, took a deep interest in these reformatory institutions; and, to show his sympathy for the unfortunate prisoners, and give encouragement to those who were laboring for their reform, frequently visited Smithfield prison in the evening, to hear the lectures and witness the debates and other exercises of the men. This he continued to do till he was nearly prostrated by the disease which terminated his earthly career. His death cast a deep gloom over the inmates of this little prison, and, though he was deeply loved by all Ireland, none cherished his memory more tenderly than these poor prisoners. Mr. Organ delivered a lecture to them on the Life and Character of their late lamented friend, and that some idea may be given of their touching and abiding friendship, the following extract from that lecture is here appended. The words of the prayer then offered are not given in this lecture, nor have they ever been printed, and yet it seems quite appropriate to present them here. Indeed, without the prayer, the scene would lose much of its best effect.

Mr. Organ said: "Those amongst you were present when the late Earl, accompanied by his loving and devoted sister, Lady Elizabeth Grey, a woman gentle in spirit, kind in heart, all virtue itself, paid his last visit to this prison, on Sunday evening, August 7, 1864, will ever keep that event fresh in your memories. I believe such a scene has never before been witnessed, as took place upon that memorable but mournful occasion. There was a solitude about that evening, rendered more lonely by the thick misty rain that fell noiselessly from heaven, which tended to darken the atmosphere, and to cast a still and gloomy aspect all around. On such an evening, Lord Carlisle paid his last visit to Smithfield. He heard us, but he could not speak; and yet that good man's countenance was radiant with delight, notwithstanding his melancholy affliction. Calm and resigned to the will of his Creator, and like a true Christian, did he submit to the dispensations of a mysterious but merciful Providence, and with a burdened heart was patiently awaiting the summons of his Redeemer to a land where sorrow and suffering are unknown, and where the good live for ever in the splendor of eternal light. And that such might be the happy home of Lord Carlisle after death, we all, upon *our knees, as you remember*, fervently prayed: 'May the

God of mercy, who even in the last hour opened the portals of heaven to the penitent thief upon Calvary's height, be pleased to grant a place in His kingdom to the good Earl of Carlisle, when his earthly career shall have closed.'

"It was a prayer peculiar, but appropriate; and let us hope that, as it ascended to heaven, the Father of mercies granted the petition which we, with earnest hearts, then presented to Him.

"This was the only tribute we could offer—the only debt of gratitude it was in our power to discharge.

"I should feel proud of this little hut, for here, from time to time, in days gone by, have the high born of the British Empire, even royalty itself, condescended to witness the efforts made to induce fallen ones to abandon their vicious ways."

What a scene was here presented! Sixty prisoners, with the attending officers, fell as one man upon their knees, and in an audible voice fervently offered this prayer. The Earl, not having the slightest knowledge of what was then and there to occur, was deeply affected, and left the prison, with the inwrought and abiding impression, that the blessing of heaven had been abundantly poured upon that institution.

Among the other exercises of the evening, when it was my privilege to be present at the competition examination of the prisoners at the Smithfield intermediate prison, one of them called for the repetition of the lines of the late Earl of Carlisle upon a jessamine tree, and the character of the late Earl himself; and, as no other prisoner was prepared to respond, the proposer himself recited the poem beautifully, and with excellent effect:

"My slight and slender jessamine tree,  
That blooms upon my border towers,  
Thou art more dearly loved by me  
Than all the wreaths of foreign bowers.  
I ask not, while I near thee dwell,  
Arabia's spice or Syria's rose;  
Thy light festoons more freshly smell,  
Thy virgin white more purely glows.

"My wild and winsome jessamine tree  
That clambers up the dark grey wall,  
Thy tiny flowerets seem in glee,  
Like silver spray drops, down to fall.  
Say, did they from their leaves thus peep  
When mailed moss-troopers rode the hill;  
When helmed Warders paced the keep,  
And bugles blew for Baited Will?

" My fair and feathery jessamine tree,  
 Within the fragrance of thy breath,  
 Yon dungeon grated to its key,  
 And the chained captive sighed for death.  
 On border fray, on feudal crime  
 I dream not, while I gaze on thee;  
 The chieftains of that stern old time  
 Could ne'er have loved a jessamine tree."

These are some of the influences which constantly cluster around the Irish convict prisons, to induce their fallen and out-cast-inmates to return to the walks of virtue, industry and happiness.

The Lusk prison is conducted much the same as that at Smithfield, with the exception that the prisoners work at reclaiming waste soil, many acres of which they have transformed into fine farm and garden land. They shatter and remove the rocks, clear the bogs, underdrain the soil, &c., all working cheerfully and orderly, with very little surveillance—no wall or armed guards around them; they are held entirely by moral force. This will not appear so strange when we consider the careful and severe training these men have been subjected to in the two prior stages, and when we remember, again, that the penalty of any infraction of the rules is very severe, viz., to be remanded back to Mountjoy. But the excellent feature is found in the fact that the prisoner is so long kept in the strict line of industry and virtue, that these qualities become a confirmed habit, and in most instances seem to afford him much pleasure.

There is no intermediate prison for women. Its place is, in part at least, supplied by two excellent female refuges, which have been established in connection with Mountjoy. In regard to the treatment of the women in these refuges, I again quote from Miss Jellicoe's paper:

"In the Protestant Refuge (she says) the number of inmates rarely exceeds ten, who are employed in laundry work principally, at which they earn a high average of wages, even compared with free labor, and a portion of their earnings is laid by and added to the money accumulated for them in the prison. With all this hard work, the dietary, though better than prison fare, is not so good as can be procured by the same class of workers outside. The women can generally be provided with situations, but prefer to remain the full term. So successful has been the management, that in only one instance has it been necessary to recommit an individual; and in only seven cases out of every hundred



who have passed through both refuges, has there been a reconviction. The inmates attend the parish church, not in a body, but merely as individuals. The lady patronesses watch anxiously over the temporal and spiritual interests of the women, who are very grateful for their care. Means of emigration for those who have gone through the term of imprisonment and refuge, are earnestly desired by the managers of both the establishments. The money they have earned is often applied in this way, with a little additional help; and the hope of a new country in which they can begin life afresh, sadder yet wiser women, is a strong stimulus to exertion and self-denial.

“The number under training at the Roman Catholic institution, presents a greater variety in the character of the occupations. Domestic work of all kinds, rearing of fowls, milking, cooking and washing, on a considerable scale, are all vigorously carried on. The dress of the women is cheerful, and the well-being of the inmates is promoted in every way. One of the young women was receiving advice, after committing some breach of discipline, from the gifted superintendent, Mrs. Kirwan, when last I visited the refuge, and her expression of shamefacedness struck me forcibly. There was none of the brazen look of the habitual offender, glorying in her shame. Mrs. Kirwan’s frank, motherly nature, active mind and acute intellect admirably adapt her to deal with a class to whom deception and idleness are become second nature.

“These refuges afford the opportunity of doing for these joint-heirs with us of immortality what has been so abundantly done for ourselves. Here they can be striven with as women, by women won by love to the paths of virtue and respectability, made to feel that justice can be tempered with mercy, and established in a position where the fires of temptation may rage less fiercely and fatally around them.

“The fundamental principle on which the whole mechanism rests is one which must be acknowledged, by all who have studied the causes of human degradation, to be the only sound basis of permanent reform—the intelligent co-operation of the individual herself in the efforts for her own amendment. By placing a premium on qualities totally different from those which led into crime, the system gradually accustoms the prisoner to the loosening of the moral swathing bands by which she was at first restrained, and by infiltrating, as it were, habits of industry, self-denial and *self-respect*, without which no woman can be reclaimed, places her



in circumstances to secure herself from a relapse into crime. To so comprehensive an aim is added the elevating influence of religion."

#### FOURTH STAGE—TICKET-OF-LEAVE.

There is a fourth stage in the Irish convict system, not indeed of imprisonment properly so called, but of further and final trial, when the convict is released under a conditional pardon, certified by what is called a ticket of license. When the convict has been in an intermediate prison for the requisite time (six months is the shortest period, and from that to two years, according to the length of his sentence), he can claim the right of having the authorities consider the question whether he is entitled, by his previous good conduct and character, to his discharge on ticket-of-leave. The following is the form of the instrument:

"Form E.

No. —.

Number in Convict's Book,

186

Order of license to a convict, made under the statute 27 and 28 Victoria, chapter 47:

DUBLIN CASTLE, *10th day of January, 1866.*

Her Majesty is graciously pleased to grant to John Smith, of —, who was convicted of burglary first degree, at —, the —, for the county of Dublin, on the 29th day of March, 1861, and was there and then sentenced to be kept in penal servitude for the term of five years, and is now confined in the Smithfield convict prison, her royal license to be at large from the day of his liberation, under this order, during the remaining portion of his said time of penal servitude, unless the said John Smith shall, before the expiration of the said time, be convicted of some indictable offense within the United Kingdom, in which case such license will be immediately forfeited by law, or unless it shall please her Majesty sooner to revoke or alter such license. This license is given subject to the conditions indorsed upon the same, upon the breach of any of which it will be liable to be revoked, whether such breach is followed by conviction or not. And her Majesty hereby orders that the said John Smith be set at liberty within thirty days from the date of this order.

Given under my hand, seal, &c., &c.

Signed by the Chief Secretary of the Lord Lieutenant of Ireland."

The holder of this license is fully described on the back of the *same*, in regard to the following particulars: Hair, eyes, eyebrows,

nose, mouth, complexion, visage, make, height, trade, prison trade, where born, friends reside, age and conviction.

*“ Conditions.*

1. “The holder shall preserve this license, and produce it when called upon to do so by a magistrate or police officer.
2. “He shall abstain from any violation of the law.
3. “He shall not habitually associate with notoriously bad characters, such as reputed thieves and prostitutes.
4. “He shall not lead an idle and dissolute life, without visible means of obtaining an honest livelihood.

“If his license is forfeited or revoked in consequence of a conviction of any felony, he will be liable to undergo a term of penal servitude equal to the portion of his term of——years, which remained unexpired when his license was granted, viz., the term of——years——months.

*“ Further conditions.*

1. “Each convict, coming to reside in Dublin city or in the county of Dublin, will, within three days after his arrival, report himself at the police office, Exchange Court, Dublin, where he will receive instructions as to his future reporting himself.

2. “Each convict, residing in the province, will report himself to the constabulary station of his locality within three days after his arrival in the district, and subsequently on the first of each month.

3. “A convict must not change his locality without notifying the change to his constabulary station, in order that his registration may be changed to the locality to which he is about to proceed. In the city or county of Dublin, any such change in or from the district, must be notified by the convict to Mr. Organ.

4. “An infringement of these rules by the convict, will cause it to be assumed that he is leading an idle and irregular life, and thereby entail a revocation of his license.”

The convict who violates any of the above conditions and thereby forfeits his license, is sure to be returned to Mountjoy, there to be closely confined for a time, but he may be eligible for promotion again by good conduct. But no convict who has had the advantage of passing through all the successive stages of this system, *and after full discharge, commits fresh crime and is again sentenced to prison, can ever be admitted to go through the same course of*

training a second time. He must serve the full term of his sentence, at hard labor, in one of the public works' prisons, without an item of abatement.

The evening I spent at Smithfield, three prisoners were to go out on license. Mr. Organ had arranged for a lodging place for them, and the woman with whom they were to board was in waiting for them. The men said they were going to Liverpool to take the first ship they could find, on board of which they could be allowed to work their passage to some foreign country. Neither of them had any knowledge of seamanship, except what they had gained from the little ship in Smithfield prison. Since my return to New York I have received a letter from one of those prisoners, in which he says he worked his passage to this country, and is now at work in Pennsylvania, and doing well.

The general policy of the institution is to discharge the prisoners as quietly as possible, without noise or observation, that they may be absorbed almost insensibly into society. Hence the ordinary practice is to send them out in the evening, as on this occasion.

The period following their release on ticket-of-leave is, without doubt, the most critical in the whole course of their treatment. Here occurs the final, absolute and decisive test of the effect of the discipline through which they have passed during their progress toward this point. In Ireland, there is a real and effective supervision of convicts discharged on license. The conditions of the license, as cited above, are very stringently enforced, a course which has proved most beneficial to the convicts themselves as well as to the public. In the country, the supervision is carried on by the police; in Dublin, by Mr. Organ, inspector of released prisoners, whose duty and pleasure it is to visit all such once a fortnight, and make a return of their employment, conduct, &c.

The first duty of the inspector is to provide employment for these men, in order that they may at once be put in the way to lead honest lives. At the first trial of this service, some ten or twelve years ago, the task was extremely discouraging. Mr. Organ would ride over a circuit of forty or fifty miles around Dublin, and in this way he made himself acquainted with all establishments where work hands would be likely to be wanted. His first applications were met with decided rebuff. The prejudice against prisoners was so strong that he could get no encouragement, and more than once the door was rudely shut in his face.

as soon as the nature of his call was made known. At length, one little occurrence took place, which seemed to open the way to final success. Riding up to a factory one day, he importuned the owner to try just one of his men, whom he could recommend. Finding that he had but slight encouragement, he went to the wife, and, after listening to his story, she used her influence and induced her husband to promise to employ one, on condition that his prior relations should be kept a secret. The man proved so faithful that, after a time, he was promoted to a place of trust, not long after which he exposed a dealer who was trying to defraud his master; nor could he be bribed by the dishonest party to keep the fraud a secret. This occurrence inspired the employer with confidence, and he has not only continued to employ many Smithfield men ever since, but takes much pains to recommend them to other parties. So much, of late years, have the liberated convicts from the intermediate prisons grown in favor as honest, sober, industrious servants, that much of the time, for several years past, the demand for them has exceeded the supply, and orders are left with Mr. Organ for them to be sent as soon as they are to be had. Sometimes employers have to wait for months before they can get the convict labor which they desire.

#### GENERAL RESULTS OF THE IRISH SYSTEM.

The following, taken from the Dublin Freeman, of December, 26, 1866, will give a pretty good idea of the results of the Irish convict system, and of the views and feelings of the Irish people in regard to it. So far as my own opportunities of observation went, I cordially concur in the testimony thus rendered; and I especially concur in the commendation given to Mr. Organ:

“The total number of convicted criminals in the Government prisons, on the 1st of January last, was only 1,637, an immense decrease since 1854, when their number was 3,933, exclusive of 345 in county prisons, and several hundreds in Bermuda and Gibraltar, who were subsequently discharged in Ireland. In their report the directors say that the system of classification, now for so many years established, which leads up from the commencing stage of separate confinement, to the final stage of the intermediate prisons, continues to work satisfactorily. The prisons in which the intermediate system is adopted are intended for none but such convicts as have almost gone through their term of imprisonment, and only *such convicts* are permitted to avail themselves of the advantages

of the system who have not been previously convicted, and whose conduct during their confinement has been such as not only to entitle them to its benefits, but also to a modification of their original sentence by a discharge or license.

“In the Dublin district the practical advantages of this system are admirably brought out by the untiring and skillful exertions of Mr. Organ, the inspector of released convicts. This gentleman’s zeal, ingenuity and success, in effecting the gradual reform of criminals, cannot be too highly commended. He is a thorough enthusiast in his *metier*, and continually intent upon rendering the system more effective, and hence more conducive to the general good and the safety of life and property. We were ourselves present a few days ago, during one of his audiences, as they may be termed. Various interesting cases were gone through of convicts released on license, and sent up to him to be disposed of as circumstances might require. But there was one of the number which struck us as especially exemplifying the excellences of the system. The case was that of a young man who had been convicted no less than six times before he had attained his eighteenth year, and who was then sentenced to penal servitude for a number of years, towards the close of which term, he had been admitted to the privileges of the intermediate system and eventually released on license. On the day on which he presented himself once more before Mr. Organ, he had reached Dublin from Carrickmacross, after having traveled the entire way, a distance of, we believe, 80 miles, on foot, and the object of this long and weary journey, performed under circumstances of great hardship and privation, was to obtain such employment as that gentleman was in the habit of procuring for released convicts so situated. Mr. Organ told him to call next morning, and to leave his address with him, according to the terms of the discharge, but on the poor fellow stating that he had not wherewithal to pay for his night’s lodging, the humane and considerate inspector furnished him with the necessary means. Now, this spoke more for the success of the system than if a thousand volumes had been written in its praise.

“After the instance we have adduced, and several others which have come under the notice of a gentleman, on whose statements we can place complete reliance, we have no hesitation in giving full credence to that portion of Mr. Organ’s report in which he states, as, indeed, the statistics thoroughly prove, that crime is fast

disappearing in Dublin, and that old and habitual thieves are becoming honest and industrious citizens, whilst homes that have hitherto been the scenes of vice and poverty are now replaced by those of morality and plenty.

"But there is one passage in Mr. Organ's report which we think the most important and satisfactory in the entire document. It is the one relating to the opinion formed by the public of the convicts released on license. On this head he says: "Employers continue to repose confidence in my men, and the demand for them during the past year has at times exceeded the supply." Now, this we regard as the most hopeful feature in the entire system, as one of the objections to it was that the released criminals would encounter so much distrust and suspicion in their attempts to earn an honest livelihood, that not being able to obtain sufficient employment, they would, perforce, relapse into crime again, or be reduced to starvation. Mr. Organ has, by his extraordinary tact and ability, obviated this grave objection, and found means to re-instate the criminal in that position which he had previously lost in society by his crimes. For effecting this invaluable result, society at large owes Mr. Organ a large debt of gratitude.

"But the system operates most beneficially on the morality of the men likewise; for instance, though the men possess every facility for escaping from their confinement, they rarely, if ever, avail themselves of it. "The moral tone of the institution," says Mr. Organ, "is most satisfactory; there is an entire absence of even the slightest tendency to immorality, whether in words or acts; and should hypocrisy show itself in a new comer, it is promptly detected, and as promptly censured by the public opinion of the men in the huts."

"In another part of his deeply interesting report, Mr. Organ says, 'I cannot speak too highly of the cheering effects which farm labor has produced, even upon the most sluggish criminals, or of its happy results, even upon the cool and calculating adept in vice, from whose brow the honest drop of sweat never trickled;' and he stakes his reputation on the fact, 'as proved in innumerable instances, that the most indolent criminal can be trained to honest and independent toil, not so much through fear or coercion, as through the influence of hope and encouragement.'

"Here, then, in Ireland, the hitherto insolvable problem, 'what are we to do with our criminals?' appears to have been successfully solved. And for its solution we are mainly indebted to the



unwearying exertions, singular fitness, and philanthropic disposition of a gentleman who has thrown himself, heart and soul, into the work, arduous, forbidding, and almost insurmountable as it must appear to the generality of men. The social benefits which Mr. Organ has thus conferred on the community at large, are so great and invaluable that we do not think the Government could be too lavish in its acknowledgment and compensation to one who, even in a pecuniary point of view, has saved the country such vast sums, and is likely to save them infinitely greater still, in the cost of keeping up the convict establishments in this country and supporting their inmates."

From the last annual report, it appears that, with a daily average of one hundred effective prisoners in the two intermediate prisons, the total earnings amounted to \$10,720, or \$107 per man; and the total expenditures for salaries and the current wants of the institutions, amounted to \$14,274. There were also paid gratuities to convicts earned during their entire sentences, \$4,790; and for clothing on discharge and traveling expenses of convicts to their homes, \$4,792.

### III. COMPARISON OF ENGLISH AND IRISH PRISON SYSTEMS.

A brief comparison of the English and Irish systems of prison discipline will not be without interest, and may yield some instruction; at any rate both the excellencies and imperfections of each will thus be made more apparent. I find this work so well and ably done to my hand, in a paper by the Rev. W. L. Clay, read before the British Social Science Association in 1862, and published in the Transactions for that year, that I offer no apology for incorporating that paper substantially into my report. I do not, however, employ quotation marks, as the article is condensed, and otherwise modified to suit my purposes.

Under the English system, a convict costs rather more than \$175 a year; under the Irish, rather less than \$125. And yet the cheaper is the better system. It is better in two respects: first, in its moral machinery, and secondly, in its securities for working the said machinery.

*First, then, as to the moral forces of the two systems.*

Up to a certain point, the two systems have an apparent resemblance. In both, separate confinement forms the first, and labor on public works the second stage. In both, the prisoner rises



through a scale of promotion, gaining little increments of indulgence as he ascends. But here, even the seeming likeness ceases. In England; the second stage is protracted to the moment of liberation; in Ireland, it is shortened to give time for a final probation in the intermediate prison. In England, the prisoner on his release, though that release is conditional on his good behavior, may wander off whither he will, unwatched and unrestrained; in Ireland, till his license expires, he must live under the constant supervision of the police.

The intermediate prison, then, and the surveillance exercised over discharged prisoners, form the chief distinctive features of the Irish method, which are obvious on a superficial survey; and the general public, ignorant of, and indifferent about, convict discipline, has imagined that otherwise the two systems are alike. Yet, under external resemblance, there lurk great differences, both of principle and practice, even in the first and second stages.

To rouse the prisoner to exertion is the great purpose to be accomplished in the first stage. All convict discipline should be based on the great fact in human nature, that moral amendments cannot be effected without a man's own strenuous exertions. How to compel the offender to make that exertion, and so co-operate in his own redemption, is the main problem in reformatory training. The most obvious plan is to place the delinquent in a painful and irksome position at first, and set him, little by little, to meliorate his condition. Yet here is a difficulty at once. Mere punishment, as a rule, hardens and exasperates, and yet we wish to soften and conciliate. The separate system, very punitive and yet not irritating, solves this difficulty, but at the cost of almost forfeiting the paramount object. Instead of stimulating to exertion, isolation, if protracted long enough to be adequately penal and to give the chaplain a fair chance, renders the wits and the will alike limp and flabby. The tendency to this evil must be corrected. The easiest and coarsest corrective is high diet, and this expedient is partly relied on in England; but in Ireland moral antidotes are tried, and have proved so efficacious that it has been found possible to increase the austerity of the discipline. During the first few months, before the depressing influence is felt, in order to sharpen the discipline, the diet is kept most meagre, and no work is allowed but stupid oakum-picking. Pleasanter work and better food are not given till they are necessary to prevent ill health *and mental stagnation*. Of course, this increase of penal power at

the commencement strengthens the moral stimulus of the system. This stimulus, however, is chiefly gained by working on that love of freedom, which is by far the strongest motive that can be brought to bear on a convict. Compared with this, gratuities and indulgences count for nothing. Yet of this well known fact no use is made at Pentonville. Nine months is the regulation allowance of separation, and nine months, accordingly, the culprit remains in his cell. Good conduct will not shorten, nor bad conduct, unless very outrageous, protract his term. But in Ireland the nine months may be shortened to eight, or extended to ten or twelve, or even longer; and what is more, his term in the second stage may be lengthened too. And the convict is never suffered to forget the prospect before him; his hopes and fears are kept constantly on the alert. And now, twelve years' experience has shown that by such means his co-operation can be won, and mind and body maintained in vigorous health. In England, however, there is but a very feeble substitute for these cogent incentives. The appeal to the convict's hopes is feeble, and to his fears feebler still.

In the second stage the want of moral power in the English system becomes still more evident. When the last penal servitude act was passed, the remissible portions of the imprisonment were fixed at a much lower amount than what a committee of the House of Commons had recommended a year before. For instance, the committee would have given the convict the chance of redeeming three out of a seven years' sentence; the act, at the utmost, would only forego a year and nine months. Stronger inducements than the act offers are required to rouse thoroughly the majority of felons from reckless despondency to earnest efforts. As it stands now, the English system is worked with too low a motive power, and to secure passive submission, let alone active exertion, the deficiency must be eked out by other and lower incentives. In Ireland, however, the evil is more than corrected by the intermediate prison. To the seven years' man Sir Walter Crofton offered quasi freedom at the end of the fourth, provided his conduct from the first had been "unexceptionable." This supplies a motive power strong enough to carry the convict through the stern discipline of the second stage. There is no need to propitiate the men into sulky quiescence by high rations and gratuities.

*This then is the chief flaw in the English second stage, that it*

worked with too low a motive power. But the flaw is made worse by the manner in which even that power is wasted.

The discipline of the second stage in Ireland is a version of the mark system. There are four classes,—the third, second, first and advanced,—through which every man has to pass in succession, earning a prescribed number of marks in each, before he can reach the intermediate prison. Idleness or misconduct, however slight, will inevitably protract his servitude; for marks may not only be withheld, but also canceled, and the convict thus degraded to a lower class than that to which he had climbed. It is quite possible, therefore, for an ill-conditioned felon to be still in one of the lowest classes at the expiration of his full sentence. He would thus forfeit all remission. Marks are given on three grounds—for industry, good conduct, and progress in school. They form the ladder by which to reach the intermediate prison, and so win the coveted remission. This is what gives the classes their chief importance. Their attractions, it is true, are usefully enhanced by a scale of gratuities and other devices; but the yearning for freedom is the one great means by which the convict is taught perseverance, industry, and self-control. In accordance with the fundamental principle, forfeiture of marks is the only punishment.

In the English second stage there are three classes. The men are classified according to their conduct; but there is no laborious climbing, as in Ireland, from the lower to the higher, for if he brings a good character from the cellular prison, the felon is placed in the first class at once. The first class felons receive sixpence, the second class fourpence a week. This is the way in which good conduct is purchased. Industry is bought by badges. Once a month the industry books are made up, and badges, marked with the letters G. (good) or V. G. (very good), are issued to the men according to the reports. A. G. is worth sixpence, a V. G., ninepence a week. But, besides being paid for his good behaviour and industry, the convict is further paid for the length of time he has been in prison. The whole term of his detention is divided into three stages. In the first he gets no gratuity, in the second he has fourpence, in the third eightpence a week, besides a fuller allowance of letters and visitors, and various additions to his creature comforts.

This, then, is the moral machinery of the English second stage. The hope of earlier liberty, which is the main spring of the rival *system*, is scarcely used at all. In fact, the only use is this :

instead of one punishment—loss of marks—there is an ample catalogue—degradation from class, loss of badge, the solitary cell, the lash, &c., and among the rest, the forfeiture of certain days' remission. But the choice of this punishment is optional with the authorities; it is not, as in Ireland, the inevitable consequence of the slightest misconduct. In fact, the convict may be indolent and ill behaved within moderate limits, and yet not retard his liberation by a single hour.

I must notice one other point of difference between the two systems. In the Irish system the rigid restraint, necessary at first, is gradually relaxed, and at last, almost wholly withdrawn. In the English system, as a rule, the convict remains under the same restraint from first to last. As he rises from stage to stage, he may have more letters, more visitors, more sixpences, more food, but not the one thing most needful at once to promote and to test his reformation—more liberty.

*But I must now pass on to consider the second point, whether the thorough working of the system, be it good or bad, is guaranteed by sufficient securities?*

Where everything depends on the convict being compelled to make a strenuous and long sustained effort for his own redemption, it is palpably of vital importance that the rewards by which he is induced to make that effort, should never be obtained undeservedly by the laxity and connivance of the officers. Where such laxity and connivance exist, a system the most perfect in theory, would become, in practice, a worthless sham. Yet I maintain, that for two reasons it is impossible to guard against these evils in the English prisons.

The first reason is this: In the Irish prisons, where the governor has only a few men to deal with, he knows them all; he can maintain over the officers a discipline as strict as over the convicts, and thus repress laxity and partiality; and consequently he can thoroughly maintain the principle on which the whole discipline rests—that not a convict should ever earn a single penny, or abbreviate his confinement one solitary day, unless by real exertion and by positive merit. The various officers, too, are a check on each other, and as their interests are all engaged in the success of the system, they would soon throw out any of their number who was disposed to play false to the common cause. But in England all this is different. A thousand is the population of the smaller, fifteen hundred of the larger prisons. The governor, therefore,

has to trust almost entirely to the warders; with many of the prisoners he hardly ever speaks, from the time they enter to the time they leave the prison. The convict's advance depends almost wholly on the warder's report of his conduct and industry. If misconduct is not distinctly reported, good conduct is taken for granted; no black marks appear against the felon in the prison books, and he is duly rewarded. Nor is there the least necessity for his industry being of better quality than his goodness. If he gets his V. G. from the officer in charge of his working party, it is quite sufficient. The difficulty of finding piece work for the men, generally renders exact measurement of their labor impossible; the officer must rely on his judgment. But he has good reason for making the best of his felons, for on their diligence partly depend his own gratuities. The intention of this rule was to give him an interest in their industry; the result is to tempt him to report well of them, however idle they may be. Any display of over zeal would not promote his popularity among his brother officers, and the convicts know how to manage an obnoxious superintendent. His easiest plan is to dispense V. G's., with a liberal hand, and to keep everybody in good humor.

The second reason is this. Any department of State will soon sink into routine and inefficiency, unless the work done has to undergo the ordeal of public opinion. No convict service will ever be worked properly, however able and energetic may be the gentlemen at the head of it, until the public is supplied with full data on which to judge of its merits, and the credit of the whole staff is consequently staked on its success. In Ireland, by placing the convicts under strict surveillance till the expiry of their licenses, and by a scheme for their identification by means of photographs, should they relapse afterwards, Sir Walter Crofton was able to tell the public the whole truth about his success. He courted the ordeal for the sake of strengthening his system. That ordeal secures its efficiency. In England, where there is no police supervision and no scheme for identification; where the prisoner, when he has drawn the last installment of his gratuity, is willfully lost sight of; where all the relapses recorded are discovered by chance, the public is left almost totally in the dark as to the value and working of the system.

From what has been said in the foregoing comparison—contrast it might be called—between the English and Irish prison systems, *it must not be inferred that the undersigned saw nothing good and*

commendable in the former. Far from it. There is much, very much, to praise in the English system, particularly if we take into the account the county and borough, as well as the convict or penal servitude prisons. The chief defects of the former, as far as my observation went, appeared to me to be—want of sympathy with the prisoners on the part of the officers; the absence of any general conviction in the authorities of the reformability of convicts by other than deterrent and coercive measures; an unhealthy rivalry in the matter of exact and rigid discipline, and a consequent severity of administration bordering sometimes, as it seemed to me, on cruelty; the general use of the treadmill and the crank, and the absence of any comprehensive and well adjusted system of productive labor. Nevertheless, as just stated, there is a great deal to commend in the system. The prison buildings and grounds and the general arrangements and surroundings are almost faultless. The office of surveyor-general, whose duty it is to inspect prison premises and sanction prison plans; the appointment of inspectors at large; the mode of training and appointing subordinate officers; the plan of requiring all subordinate officers to dress in uniform; the fact that politics are entirely excluded from the administration; the non-use of the contract system for the hire of the labor of prisoners; the regular system of diet; the mode of distributing rations; the practice of appointing local boards of directors; the practice of fining officers for small deviations from rules, thereby giving them a chance to amend; the system of retiring superannuated or disabled officers; the ventilation, cleanliness and neatness of the prisons; the mode of receiving persons on admission to the establishments; the system of printed rules, and many other things which enter into the management of well regulated prisons, are excellent and worthy of imitation.

It is greatly to be desired that a country that has done so much in the way of prison reform would “go on unto perfection.” And it is a pleasure to know that some of the ablest minds of England, and among them the venerable and illustrious Mr. Commissioner Hill, late recorder of Birmingham, are now grappling with this great subject. The royal commission of 1863 recommended a trial of the Irish system, and Sir Walter Crofton, its originator, has been employed by the government to superintend the work. It is hoped and believed that great improvements will be rapidly made in this direction.



## IV. SUGGESTIONS TOWARDS AN AMENDMENT OF OUR OWN PRISON SYSTEM.

The question arises here, and no doubt has long since suggested itself to the mind of the intelligent and reflecting reader, are the results which have been undeniably obtained in Ireland to be regarded as phenomena, forming exceptions to a general rule, and suited only to the special circumstances of that country, or does the Irish system contain a general truth, as applicable to Anglo-Saxons in America as it is to Celts in Ireland? If the general applicability and value of the principle followed in Ireland be acknowledged, it would be acting unreasonably not to imitate what has there proved to be so excellent, for, as a great philosopher has said, in social reforms there is just as little principle of nationality as in natural philosophy.

Can the Irish system, then, be adopted to advantage in our country? For my own part, I have no hesitation in returning an affirmative answer, with emphasis, to this question. There are, to my apprehension, but two obstacles in the way. These are, the vastness of our territory, and the inefficiency of our police; the former of which offers great inducements to prisoners to attempt to escape, and the latter, being impotent to prevent escapes, or to re-arrest to any great extent. But, on the other hand, in the first place, a system of photography could be so well arranged as to make it difficult for escaped prisoners to remain in the larger towns to lead a criminal life without detection; and in the second place, this country has greatly the advantage over England or Ireland in the more numerous chances of employment for men of this class after discharge.

Any system of imprisonment, worthy to be called christian, must be founded on the benign principles of the gospel. Society cannot exist without wholesome laws, which must be fully enforced to produce proper results. If, therefore, any member of society offends against the laws, he must be arrested, restrained of his liberty, tried by a proper tribunal, and, if found guilty of crime, sentenced to punishment. After he is cast into prison, panting, fettered and bruised, he becomes, in many instances, deeply penitent and heartily sorry for the wrong he has committed. Now what shall be done with him? Ignorance would say, "Crush him; make his punishment so rigorous and deterrent that his case will strike terror to the heart of evil doers. It cannot matter how *harshly he is treated*; he is a condemned felon. He may even be



cheated with impunity, because he is helpless." This is the plan, this the treatment, which ignorance would recommend. But philanthropy says, "Not so. This is hateful, brutish, and will tend to drive to despair, to harden, to ruin him. Let us act like christians, and try if we cannot save him. Let us lift him up. Let us speak words of kindness and encouragement to him. Let the shackles fall from his bruised limbs. Let us bind up his wounds. Let us inquire into the nature of his case. Perhaps he is not entirely lost yet. Perhaps he can yet stand." The man, though doubting as to the reality of kindness, begins to be reassured. Mercy speaks kindly to him. Benevolence undertakes the labor of teaching him. Justice deals firmly but compassionately with him. The heavy iron gate of the inner prison opens, and he is allowed to step out. He is now trusted and encouraged. The pleasant paths of wisdom are made plain to him, and he begins to feel a desire to walk therein. By a course of obedience and good conduct, he gains the confidence of justice, who opens a second gate, and the once bruised and cowering felon passes to another stage, where greater freedom is allowed him. Thus, step by step, he is encouraged, instructed, lifted up, till, when the time comes to allow him to pass the last iron gate, he has but a gentle step to take, and he finds a place, and takes it in the society of virtuous and useful men. No fetters or bars or iron gates could hold Peter longer in prison, when the angel of justice, mercy and truth appeared to release him. The criminal now may be trusted on his honor. How different would the result have been, if this case had been managed by mere brute force and an iron severity! When his sentence had expired, he would have left his place of confinement, soured, disheartened, hardened. As with a man suddenly coming to the sunlight from a dungeon, the light of society would have been too strong for him. He would have emerged from his prison walls, thinking that he must fight his way in life with the hand of every man against him. The world to him would have been a delusion and a cheat.

The development of the moral sentiments in the human heart, and everything good and noble in the human character, is determined in a far greater degree by sympathy and by silent or unspoken influence and example than by formal precepts and instruction; and in no place or branch of human society is this position more applicable than in the management and training of those *who are deprived of liberty for the violation of human laws.*

Hence the transcendent importance of honest, virtuous, able officers at the head of all large penal institutions. Men of high powers of mind, great executive ability, and long and varied experience, are the only ones who can be safely trusted in such positions. Such men, placed at the head of the great penal institutions of our land, with freedom to act, would change their moral tone and general character in a very brief space of time. If the chief officer be known to possess the requisite qualifications in point of talent, virtue and experience, his every act and word will have a mighty influence for good over the whole establishment. He may speak but little, only enough to make his wishes known, and yet what he says will be felt in every part of the institution. If a subordinate officer should hear him speak kindly to a prisoner, giving encouragement to his every effort to improve, welcoming every act of obedience, and offering assistance at every step of advancement, there would arise at once a kindly feeling in his own heart towards all the poor, degraded creatures within the prison; a feeling born of sympathy and nourished by that same excellent aliment. The prisoner, being on his part placed under the same kind of regime, would naturally be moved by the same influences to act in the same spirit; and thus would spring up that mutual good will, sympathy and co-operation between officers and prisoners, which are essential elements and agencies in any penal institutions that shall be truly reformatory.

But when all the conditions, enumerated in the foregoing paragraphs, shall have been secured, the Irish system, in substance if not in form, will have been established.

Should the authorities of our State determine to introduce the Irish prison system here, and should they begin by providing an extended system of buildings, prisons, and all other needful appendages, it would avail little or nothing, unless officers of the right stamp should be selected and trained for this work, the contract system abandoned, and the whole administration removed beyond the reach of politics.

But at no time and under no circumstances would I be in favor of beginning on so large a scale. The system, to be healthy and effective, must be a growth, and not a mere transfer. I am, indeed, fully convinced that at no previous time in the history of our State has there been so good an opportunity to make trial of the system as the present. All our State prisons are now overcrowded, and *more accommodations* must be provided soon. But we must pro-

ceed cautiously in this business, feeling our way, as it were, with the utmost care and circumspection. If, therefore, I should be called upon to give my opinion as to the best method of procedure in the attempt to introduce the Irish system, it would be somewhat after this fashion: Let a farm of two or three hundred acres be purchased (no matter if it is cheap, rough land), situated (say) on the line of the Erie railroad, at some point where building materials and provisions can be procured at the lowest rates. This done, I would procure plans and drawings of the best prisons in this country and England. Having selected a plan combining the advantages of both, I would erect a new prison, having three distinct divisions, near to each other, and on the same farm. The first division should have a capacity of not more than 100 cells, and should be arranged for separate confinement only. The second division should have a capacity of 200 cells, and should be arranged with suitable workshops, in which to employ 200 convicts, who should work in association through the day and be separated by night. The third division should have dormitories to accommodate 100 to 150 men. In the first division, the prisoners, being kept in solitude, would of course take their meals in the cells. In the second division, a comfortable dining hall should be prepared. In the third division, all the arrangements should be such as to give as much freedom as possible to the inmates.

But one branch of mechanical business should be carried on in the establishment. In the first stage, the employments might be picking oakum, shoemaking, tailoring, &c. In the second stage, the mechanical branch selected, should be of a nature to develop, to the best advantage, the muscles, and strengthen the limbs, sinews and chest. I would recommend the forging of chains as excellent in all respects. In the third stage, I would continue this same trade, and add to it the occupation of farming. The labor of a blacksmith, or any worker in iron tends to harden the hands, and so exercises the whole system to hard, rough labor, that the man is thereby well prepared to labor on land. Part of the men should be engaged in the shop, and part on the farm at the same time. The buildings belonging to the first and second divisions should be enclosed with a high, substantial wall, and made so secure in all respects, that escapes of prisoners would be impossible. The building for the third division should have no wall, but should be surrounded with neatly arranged grounds, provided with shade

trees, shrubbery, &c., and should present, as far as possible, the appearance of a large farm house.

In the second stage, it would be necessary to introduce the mark system, with gratuities and privileges constantly but moderately enlarging, and the severe restraints of the earlier period should be gradually withdrawn, so that the prisoners would be prepared for the greater liberty of the third, or intermediate stage. Throughout the entire period of imprisonment, all the moral appliances of chaplains, schoolmasters, lecturers, libraries, &c., should be liberally provided, and faithfully and zealously used. Some such course as that here marked out, would afford us (so at least it appears to me) as fair an opportunity as could be devised to test the Irish system, and I entertain no doubt of a satisfactory result, provided the right kind of men can be secured for the service.

All branches of this establishment should be under one head. It should have a local board of inspectors, and the warden should be assisted by a proper chief keeper to each department, assisted by principal and under keepers, as many as are needed. I am convinced that we have made a grave mistake in this State, by having our prisons too large. At Sing Sing, it is impossible for the warden even to know all of the convicts, much less to study their characters, and thereby learn how to treat each one.

A careful system of classification of prisoners should be made, based on marks, honestly given according to their character, conduct, industry and obedience. For it must be remembered, and never forgotten, that a classified system of association without marks, and without impressing on the prisoner's mind the necessity for progressive improvement, is of little or no value. Of this, the experience of Captain Machonochie, and the results obtained in Ireland, under such a system, afford a clear and indubitable proof. Similar proof has also been furnished in one, at least, of the local prisons of England. The visiting justices of Yorkshire, after a careful examination of the Irish system, became so convinced of the superiority of that method, that they caused the mark system to be introduced into the prison at Wakefield. The result was as follows: Whilst, without any progressive awarding of marks, the number of transgressors of discipline during one month, amounted to twenty-five per cent. of the prisoners, in the same period of time, under the mark system, there were only fifteen per cent. The above figures, however, relate to offences of so *light a nature as*, for the most part, to require only an admonitory

caution. With regard to serious misconduct, requiring actual punishment, the number of prisoners incurring such, under the old system (without marks) were sixteen per month; whereas, after the introduction of the mark system, the number was reduced to six for the same period.

All prisoners sent to the proposed establishment should, under proper restrictions, be allowed to work their way out; but it should be clearly understood that no prisoner can ever have this advantage more than once. Those who are convicted a second time, after being subjected to this training, should go to some other prison to serve out the whole of their sentence, without any chance or prospect whatever of release or pardon.

The Maconochie mark system, the gratuities, the school teaching, the library, the course of lectures, competitive examinations, debates, &c., &c., could all be introduced here as well, at least, and in my opinion, much better than in Ireland. Of course the prisoner's condition should be improved at every advance, and I would make the whole as simple and natural, and the third stage as home-like as possible. Everything should be plain but comfortable. I have always entertained the belief that a very large proportion of the criminals, especially the young men, who get into our prisons, might be reformed and made good citizens; and I feel quite sure that if some such plan as the one here proposed should be tried in our State, the good results would be such as equally to astonish and delight the friends of prison reform.

After a fair trial, if this system should prove successful (as I have not the least doubt it would), an additional prison for solitary confinement, of larger capacity, might be erected, where prisoners should serve the first eight months of their sentence, and then be transferred to other prisons to learn a trade, under the same rules as those mentioned in the second stage above. These prisons should be prepared with accommodations for not more than three or, at most, four hundred convicts. I would have a different trade provided for each; say some kind of iron work, as casting and finishing carriage and harness hardware, making files, or the like. Of course, a sufficient number of intermediate prisons should be erected to accommodate all who should reach that stage. In this way, as many establishments of all the different sorts as are needed could at length be provided and brought into successful operation, and we should have a State prison system that would return the great majority of its subjects

to society, reformed, industrious and useful citizens; and I am thoroughly convinced that small prisons, conducted on the foregoing system, if managed with the same degree of care and judgment as men generally practice in their private business, could be made to nearly or quite earn their own support.

Suffer me here to give an illustration by way of showing a contrast between the prison systems of New York and Ireland, in the actual working of each. We will first follow a convict through a New York prison, where there is but one stage, which is as follows :

The convict appears at the prison in the care of a sheriff, who not unfrequently puts on a wise look as he seeks an opportunity (privately) to put the officers on their guard against the prisoner, whom he represents to be a very dangerous man.

By the clerk of the prison the convict is examined on the following points: Nativity, parents or not, married or not, children or not, occupation, ever convicted before, how many times, temperate or otherwise, &c., &c. This done, he is conducted by another officer through the main hall to a work shop full of prisoners. He passes the whole length of this in his citizen's dress, to be gazed at by a large number of convicts. Entering the small clothes room, he is denuded, put into a half hogshead of water, and scrubbed by another prisoner. He is then dressed in his striped prison garb. If the pants are too long, he must turn them up; if too short, all he can do is to let his feet stick well down through them. His suit is not often ragged, but nearly always old, stained, patched and shrunk. In this changed and comical plight, he is again conducted the whole length of the same work shop, in view of the same prisoners, an object of ridicule, and doubtless of much comment by the whole gang. He is next sent to the doctor, by whom he is examined, and the results recorded in a book. He now passes to the main hall, where an officer shuts him in a common cell. If the contractors are in want of men, they are (several of them) soon at his cell door; and they put him through a critical course of examination. He is closely questioned as to his habits, age, health, length of sentence, what he thinks he can do, &c., &c. Sometimes the competition among the contractors is so sharp, that they resort to chicanery and deception to carry their point; and if the prisoner should be a healthy, bright-looking young man, he is not unfrequently induced to tell a falsehood *in order to get with a contractor who has offered him some favors*



as an inducement. Sometimes this contest leads to bitter words, and then the case must be decided by the warden, who thereupon is sure to come in for his share of abuse for showing (as is sure to be alleged) partiality in favor of one contractor to the prejudice of the others. Now the prisoner goes alone to some shop, where he is an object of curiosity to all the other prisoners. They contrive every possible plan to communicate with him, and it often happens that he can give them a deal of news regarding the outer world, especially as it relates to the haunts of vice, improper houses, and particular characters, companions in crime, &c., &c.

When this excitement has died away, some of the older convicts will, most probably, take him in hand as his teachers, giving lessons not always for his benefit, but, acting in disguise, they will advise him how to lay his plans to escape, and induce him to violate other rules, with the direct intention of getting him in disgrace and bringing down upon him the strong arm of authority in punishment. Under such influences he begins his prison life. Nor is this all: He now comes in contact with a contractor's foreman, who seeks not the comfort, much less the reform, of the convict. His only object is to see how much the man can do, how valuable he will probably be to the contractor, and what chances there are to gain anything by bringing him prohibited articles to exchange for money, which he may have secreted somewhere, or for over-work. This system not unfrequently engenders great deception on the part of the prisoner and the contractor's foreman or trade instructor. Differences often occur between these parties, and the prisoner is sure to get the worst of the contest. His evidence cannot be taken, while that of the foreman, be he ever so dishonest, must decide the case. Add to such grave wrongs and abuses the constant change of officers, which must take place under our political rule, thus giving our prisons, for the most part, keepers with little or no experience, and add the other fact that those political appointees are not always more honest than they should be, and it is difficult to imagine a school of vice that will more effectually drive from the prisoner every spark of honesty that may have lingered in his mind. The consequence is, that while I am glad to admit that some are reformed through the labor of the chaplains and other good influences, very many at the end of their sentence, are turned out into the world worse than they entered; and it has often happened that they are again convicted and re-



turned to prison, dressed in the same clothes they wore on their discharge.

Now, let us turn to the Irish prison system, and see how the case stands, and how matters work there. Let it be remembered, in the first place, that no convicted criminal can be sent to a convict prison in Ireland for a less period than five years—a period sufficiently protracted for reformatory processes to take full effect, in all cases where this would be ever likely to happen.

The convict first enters Mountjoy prison, where he is obliged to undergo the discipline of separate confinement. He works alone. He is not often visited by any one except the governor, chaplain and schoolmaster. During these probationary months he has ample time for meditation and repentance; but he is sustained and stimulated by hope, and hope to be realized through, and only through, his own exertions. He can shorten his period of separation by good conduct. This he knows full well, and he knows still further that, when it is ended, he will have further opportunity of bettering his condition by his own endeavors. This expectation makes him quiet, orderly and submissive; and accordingly, in the great majority of cases, the period of separate incarceration is shortened. At its termination, he passes to Spike Island or Philipstown. Here he labors in association, but at first under very strict surveillance. However, by industry, good conduct and attention to school lessons, he rises from class to class, gaining something for himself at every advance, in money, liberty, honor and comfort. At length, by his own exertion, and that alone, he becomes fit to be promoted to an intermediate prison. Here, again, he has greater freedom (indeed, he is under but little restraint,) and a larger share of his own earnings, and for the first time is allowed to spend, at his own discretion, a small portion thereof in increasing his prison comforts. Here, also, the same stimulating and sustaining influence of hope acts upon him, and with still more power than before. By his own efforts he can lay up a little store against the day of liberation; and what is still more important and inspiring, by his own efforts, he can hasten the coming of that happy day. Besides, during his detention in the intermediate prison, he has, in a larger degree than before, the benefit of intellectual and moral culture, which, indeed, with the higher blessing of the religious care of zealous and faithful chaplains, he has enjoyed from the beginning of his imprisonment. A *competent and devoted* lecturer addresses to him, daily, instruc-

tive speech, quite within the range of his own comprehension, on a great variety of subjects, fitted to arouse his interest and awaken his faculties. And when years have thus gone by, and the prisoner has passed successfully through all the stages of trial and improvement; when his relations with the wickedness of the outer world have been broken; when he has acquired knowledge suitable to his condition; when he has formed the habit of honest labor and tasted the sweetness of its reward; when he has laid up a little capital, hardly earned and greatly valued, which may sustain him for a time beyond the prison gate—after all this has been happily accomplished, he is, in general, enabled to obtain his discharge conditionally, one, two, three, sometimes even five years before his sentence has been completed. Nay, more than this, in very many cases, as a part of his final probation, if in the Smithfield intermediate prison, he is employed at large in the city of Dublin and its neighborhood; on such service as the convict directors deem suitable for him; or if in the intermediate prison at Lusk, he is seen discharging the ordinary duties of an agricultural laborer, without enclosure, confinement or surveillance of any kind. In both situations it is found that he can be so trusted safely, and that neither the city messenger nor the Lusk workman ever dreams of escaping from a control which has no apparatus of bolts and bars to make it effectual. And so the man passes from the prison to his place in society—not his old place, but a higher and better. He does not, however, as we have seen, make the passage abruptly or without reasonable preparation. He has been fitted for it by exchanging cellular separation for associated labor; and this for the greater freedom and enlarged privileges of the intermediate prison; and this, again, very often, for actual liberty, before he can claim that liberty as a right. Generally, indeed, he is liberated as the recompense of meritorious conduct prior to the expiration of his sentence; but his liberation is conditional, subject to be ended if he falls again, or even if found habitually associated with bad characters, and without visible means of supporting himself. During the whole period of this conditional discharge, he is under the eye of authority, and finds confirmation of his good purposes in the checks which its supervision puts upon him, and in the apprehension of the evil consequences which a return to crime will be sure to entail upon him, the dread of which is intensified by the knowledge that, if re-convicted, he can never again enjoy *the opportunity of a similar course of training*, nor be cheered by

the hope of shortening his imprisonment, even to the extent of an hour, by any effort which he can make.

I respectfully ask the gentlemen of the Executive Committee, the members of the Legislature and the people of the State, to look upon these two pictures, and say which of them is the more pleasing; and then judge of the comparative excellence and value of the two systems, by which they are severally produced.

I gave considerable attention, while abroad, to the juvenile reform system of both England and Ireland, and it was my intention to embody in the present report some account of the reformatory institutions of those countries. But I have already greatly exceeded the limits I had prescribed to myself for this report, and feel that I must stop here. If it should be desired, and the Executive Committee so direct, I shall be quite willing to prepare a paper on that subject for the next annual report.

If what I have written shall have the effect, in any degree, to awaken the interest of the public in this subject, and to promote the reform, so much needed, of our prison system, I shall feel myself abundantly rewarded for the time and labor it has cost me.

All of which, gentlemen of the Executive Committee, is respectfully submitted by

Your obedient servant,

G. B. HUBBELL.

NEW YORK, *December 31*, 1866.

## REPORT ON STATE PRISONS AND PENITENTIARIES.

*Gentlemen of the Executive Committee:—*

The undersigned, appointed a committee to visit State prisons and penitentiaries, and also a commission to take testimony on prison discipline and administration, having, to the best of their ability, discharged the duties assigned them, respectfully submit the following.

### REPORT:

The authority under which we received our appointment is two-fold—general and special; the first contained in our charter of incorporation, the second in a joint resolution of the Legislature passed at its last session. The language of the charter is: “The said Executive Committee, by such committees as they shall from time to time appoint, shall have power, and it shall be their duty, *to visit, inspect and examine all the prisons in the State, and annually to report to the Legislature their state and condition*

and all such other things in regard to them as may enable the Legislature to perfect their government and discipline. The language of the joint resolution is: "*Resolved*, That (if the Senate concur) the Executive Committee of the Prison Association of New York, in addition to the power now possessed by them of examining, on oath, all prison officers in actual service, be authorized to appoint a commission of their own members, with authority to invite any former prison officers of this State, and any officers now or heretofore connected with prisons in other States, to appear before them, and to examine said persons, on their oath or affirmation, on all matters of fact and opinion, whereon they may think proper to examine them, touching the management of our prisons, and the general subject of prison discipline and government."

Our report will be presented under three general divisions, viz: I. The penitentiaries. II. The State prisons. III. The testimony summed up.

To the report will be appended the minutes of evidence *in extenso*. This document will be found, we think, to possess an uncommon interest and value, as offering the most complete inside view of our prisons ever given to the public, and, at the same time, presenting the matured opinions of gentlemen of ability and experience in reference to the true objects, principles and modes of prison discipline. It may be commended to the Legislature and the people as worthy of an earnest and careful study.

## I. PENITENTIARIES.

The penitentiaries in the counties of Erie, Monroe, Onondaga and Albany were "visited, inspected and examined," in the order in which they are here named; and the same order will be observed in recording the results of our investigations.

### 1. ERIE COUNTY PENITENTIARY.

*Prison Premises and Buildings.*—This prison is pleasantly situated in the northwestern part of the city of Buffalo, near to Lake Erie, and commanding a fine view of that great inland sea. The premises contain five and a half acres, which are surrounded by a wall two and a half feet thick and fifteen feet high. Most of the land, not occupied by the prison buildings and workshops,

is utilized as a garden, where vegetables are grown for prisoners' rations.

The present buildings consist of a brick structure, used for prison offices and as a residence by the superintendent; two cell-houses, one for a male and the other for a female ward; and workshops. There are 70 cells in the male prison, arranged in three tiers, with an attic containing five larger rooms, separated by a wide hall between them. These rooms are used, one as a shoe shop, and the others as hospital apartments and punishment cells. The female prison contains 80 cells, in four tiers. The dimensions of the cells are seven feet in length, four in width, and six and a half in height. The cell-house for the men is 80 feet long by 41 wide, and is lighted by 24 windows,  $5\frac{1}{2}$  feet by  $2\frac{1}{2}$  feet, giving a superficies of 660 square feet of window space. The cell-house for the women is 66 feet by 49, and has eight broad windows, fourteen feet high. The prison is sufficiently lighted in the day time, but no provision is made for lighting it at night. The female ward has no light at all burning at night, and in the male ward there is only an ordinary lantern. No artificial light is provided to enable the prisoners to read after nightfall. We think the authorities may be justly censured for this neglect. It is their duty first to provide suitable reading matter for the prisoners, and then to see that, for a moderate length of time, they have light to avail themselves of it. Long confinement in darkness and enforced intellectual idleness are injurious to the physical, mental and moral interests of the convict, and are, therefore, as much opposed to a wise as they are to a humane policy. Their tendency is to weaken the intellect, induce mental indolence, blunt the moral sensibilities, excite the passions, quicken and feed a licentious imagination; in a word, to debase and brutify the man.

In point of cleanliness, this penitentiary may be said to have reached perfection. Not a speck of dirt is to be seen on the whitewashed walls and ceilings, and the floors are as white as hot water, soap and brushes can make them. The entire prison is, in all respects, a model of neatness and order.

The great drawback in this prison, for the past few years, has been over-crowding. It has not unfrequently been necessary to put three in a cell, and a dozen or so in a small room in the attic. It is, therefore, a matter of congratulation that the authorities are now constructing a new male prison, containing two hundred cells, *each seven feet by four, and seven and a half feet high in the*

clear. This structure forms a wing to the centre building, and has in front of the cell-house, on the first floor, an office, a prison bath room and clothes room, and two stories of keepers' rooms above the same, all having a frontage on the street and peep-openings in the rear, looking into the cell-house. The cells have a spacious corridor surrounding them; iron posts and brackets for gallery floors; iron doors leading out of the prison, and a flooring of a single flagstone to each cell. The building is covered with a slate roof, and, except the rafters and supports for the slate, is a perfectly fire-proof structure. Each tier of cells has shutter bar lock fixtures, running inside the wall. Besides this, in each door jamb there is an ingenious jamb door lock, invented by the superintendent, Mr. Charles E. Felton, with bolt locking into the door. The lock is so constructed and placed as to render it impossible to reach it from the inside of the cell, and hence is proof against the action of a false key or pick in the hands of its inmate, while it can be locked and unlocked as quickly as if it were inserted in the door. The new prison building has a large lighting surface, on each side and in the roof; and each cell has a six-inch circular ventilating flue, extending upward to the ventilating chimney above. The heating apparatus is to be of steam, and the water facilities and drainage are as good as are to be found anywhere—the water being from Niagara river, and the sewerage extending down an active grade, and emptying into the Erie canal.

When this important improvement shall have been completed, it is in contemplation to reconstruct the old male prison and adapt it to uses to be immediately explained, and also to increase the height and change the architectural finish of the superintendent's residence, to which buildings the new prison wing is attached. In the old male prison, when reconstructed and rearranged, there will be, upon the first floor, a kitchen, dining hall, wash room, bakery, and closets. On the second floor, there will be a large hall or guard room, leading directly into the new male prison, and also into the female prison, when enlarged. On the same floor will be the physician's office, the dispensary, the male hospital, the female hospital, and the sewing room. Each of these will be large enough to meet the wants of at least 500 prisoners, while 400 is the number to be provided with cell accommodations in the improvements either now in progress or in near contemplation. In the third story, there will be a chapel, 78 feet by 39 in the clear, with high walls and finished to rafters, in Gothic style.



Underneath this structure there will be a cellar, of the full size of the building. Under no part of any structure belonging to the penitentiary is there to be a basement story. All floors of first stories are elevated at least five feet above the street and two feet above the surrounding ground level.

On the completion of the improvements just specified, it is designed to enlarge the old female prison to the dimensions of the new male prison, by an extension at each end; and a tower is to be added for matron's rooms, &c., &c. The whole is to be made to correspond in appearance and uses to the wing now in process of construction.

The whole prison structure, when completed, will be equal, if not superior, in point of architectural beauty, to any prison building in the State, while, in the relative position and arrangement of its various apartments, it will, we think, be the most perfect. It is to the credit of the able and accomplished superintendent, Mr. Felton, that the whole of the proposed improvements were designed by him, even to the minutest details. The outline plans were all drawn by him before an architect had been consulted, and have not been changed. The board of supervisors have adopted the plans in all their extent, and the work will be ultimately completed in accordance therewith. We have had occasion, in former years, to censure what we could not but regard as an unwise and even pernicious economy on their part; and we now take the greatest pleasure in congratulating, as well the public as themselves, on their enlightened liberality and zeal in the work of reform. If they were dilatory in beginning the work, at least the credit must be awarded them of thoroughness and efficiency, now that they have entered upon it. Let them complete the work, so auspiciously begun, by the demolition of that seminary of vice, that blot upon the fair fame of the county and the State,—the common jail of Buffalo,—and the erection in its place of a prison framed on the advanced ideas of the times, and worthy of the reputation and civilization of our State. Justice, humanity and religion unite their voices in urging this much needed reform.

*Government of the Prison.*—The ultimate power of government over this penitentiary, is in the hands of the board of supervisors of Erie county, a body consisting of fifty members, elected annually by the people to superintend the general affairs of the county. *The supervisors elect a superintendent of the institution every*



three years, who is charged with its immediate administration. They also choose a board of three commissioners of the penitentiary, who, without taking part in the acts of the actual administration, nevertheless watch over it, and are charged with its general direction and control. These commissioners are likewise appointed for three years, but not all at the same time ; one goes out and another comes in each year. Their duties, as already intimated, are of a supervisory character. They have power to confirm or reject the appointments of the superintendent ; to revise and direct the financial matters pertaining to the prison ; to audit its accounts ; and to give any orders, in writing, to the superintendent, touching the discipline, sanitary arrangements, and police management of the institution. They make a monthly visit, as a board, to the penitentiary for inspection, and for the transaction of other official business. The office of commissioner is always given to party friends.

The superintendent has the appointment of his own subordinates, subject to the approval and confirmation of the board of commissioners. The institution went into operation in May, 1848, and had three superintendents prior to Mr. Felton's first election in 1863. Each incumbent, so far, has been of the same political party as the majority of the board at the time of his appointment. Subordinate officers have also usually been appointed on the same principle, and even the business patronage of the institution has generally been extended to political partizans. It is thus seen that political considerations have entered largely into the government and administration of the penitentiary, and until the accession of the present incumbent, they bore their usual fruit. When he entered upon the office, the penitentiary was in a wretched condition ; but by his indomitable energy, his admirable judgment and his great administrative abilities, he has completely revolutionized it, so that it may now be fairly classed among the best penal institutions of the country. Mr. Felton has not been able wholly to ignore the behests of party ; but neither has he administered the prison, as regards appointment to office, with an exclusive reference to politics. He has not confined his appointments to persons of his own party, nor has he ever given office to any one whom he did not consider qualified to discharge its duties to his satisfaction.

*Prison Staff.*—The present staff consists of the following persons:

## 1. Officers appointed by Board of Supervisors:

|  | Salary.    |
|--|------------|
| Commissioners: Wm. H. Scott.....       | \$100 00   |
| David Kohler.....                      | 100 00     |
| Nelson Welch.....                      | 100 00     |
| Superintendent, Charles E. Felton..... | 1,250 00   |
| Physician, Thomas F. Lathrop, M.D..... | 300 00     |
| Chaplain, Rev. Dr. Otto Burger.....    | 200 00     |
|  | <hr/>      |
|  | \$2,050 00 |
|  | <hr/>      |

## 2. Assistants appointed by Superintendent, subject to confirmation of Commissioners:

|   | Salary.    |
|---|------------|
| Deputy superintendent, D. A. Huff.....            | \$800 00   |
| Clerk, M. G. Gilbert.....                         | 250 00     |
| Keeper of male shop, W. Stern.....                | 750 00     |
| Assistant keeper of male shop, B. G. Chapman..... | 500 00     |
| Keeper female shop, E. H. Drake.....              | 500 00     |
| Keeper male prison, H. E. Caryl.....              | 500 00     |
| Yardman, J. Kraufest.....                         | 400 00     |
| Guard, Joseph Webb.....                           | 300 00     |
| Gateman, Dennis Collins.....                      | 300 00     |
| Night watchman, Patrick Gorman.....               | 500 00     |
| Principal matron, Mrs. C. E. Felton.....          | 325 00     |
| Assistant matron, Mrs. F. M. Joyce.....           | 250 00     |
| Prison matron, Mrs. H. E. Caryl.....              | 250 00     |
| Sewing matron, Miss Mary Kane.....                | 250 00     |
|   | <hr/>      |
|   | \$5,875 00 |
|   | <hr/>      |

*Ventilation*—The ventilation in the female ward is tolerable; in the male ward, it amounts to little or nothing. In the new male prison, now in process of construction, it is expected that the ventilation will be all that need be desired.

*Heating*.—The penitentiary is at present heated by wood stoves, —two in each ward. The usual temperature in winter, is stated by the superintendent to be about 75 deg. There is little complaint of cold on the part of prisoners. The prison is comfortably cool in summer, inasmuch as it is seldom without a breeze coming *direct from the lake* without obstruction.

*Number of Prisoners.*—The number of prisoners in confinement at the time of our visit, was 332, of whom 208 were males, and 124 females. The largest number on any one day during the last two years, was as follows: In 1865, July 10, males 223, females 148, total 371; in 1866, September 13, males 217, females 135, total 352. Average daily number in 1866, males 156½, females 101½, total 258. The number in confinement at the close of the fiscal year, Sept. 30, 1866, was, males 181, females 116, total 297. There has been a large increase of prisoners during the past year over any previous year in the history of the institution, and the prison authorities are of the opinion, from present indications, that the increase will be still greater during the coming months. This is certainly a cogent argument, which, it is to be hoped, the board of supervisors will duly heed, to press on the enlargement of the prison, agreeably to the plans already adopted by them. No time should be lost in making the contemplated additions to the female wing of the penitentiary.

*Labor of the Prisoners.*—Messrs. Pratt and Letchworth, of Buffalo, have had contracts with the county of Erie, for the labor of convicts since May, 1848, the date of the opening of the prison.

They now hold a contract, executed on the first of January 1866, and expiring December 31st, 1868, for all the male and female labor, not used by the county for prison purposes, at 30 cents per day each for males, working 20 days and over; 18 cents per day, for males working less than 20 days; 25 cents per day for females under sentence of one year and upward, and 20 cents per day for all females under sentence of less than one year. This is said to be an advance of 50 per cent. over the prices paid prior to January, 1866. But even these prices struck the committee as altogether too low, considering the present high rates of labor outside. Under the existing contract, great as the advance on former rates is, the contractors must realize enormous profits, while, under that which expired a year ago, they must have actually coined money. The county ought to insist upon higher prices for the labor of its prisoners, or take the management of that labor into its own hands.

Of the whole number of prisoners, 297, confined September 30, 1866, the last day of the fiscal year, 232 were employed on productive labor; 50 on work for the county, such as domestic service, shoemaking, tailoring, sewing, &c.; and 15 were on the *invalid list*. Of those reported as engaged in productive labor,

13 were employed, at favorable rates, by the contractors for the erection of the new prison building, and all the rest, 143 males and 76 females, in the manufacture of saddlery and harness wares, for Pratt & Letchworth.

*Number of Soldiers in the Prison.*—One of the questions put to the prison authorities here and elsewhere, related to the number of the convicts who served in the late war. The answer received was in general terms, to the effect that the proportion was very large, but could not be given with precision.

*Crimes of Violence.*—Another of our interrogatories was, whether a larger number of persons are now committed to the penitentiary for crimes of violence than formerly. To which the superintendent replied, that he was not aware of much difference in this respect, except so far as the State prison element, now forming a part of the penitentiary population, is concerned. This answer, as a matter of course, implied that an increased proportion of this class of inmates were committed for crimes of a violent character. At the time of inspection, the number of males confined for State prison offenses, was 37.

*Proportion of Prisoners of Foreign Birth.*—About two-thirds of the prisoners committed to this penitentiary are foreigners; and of the remaining third, a large proportion have been the offspring of parents of foreign birth.

*Causes of Commitment.*—The great mass of persons committed to this prison of late, have been sent for drunkenness and disorderly practices. Of the 1768 committed during the year, 928 were for offences of this character. Next to intoxication, as a cause of arrest and imprisonment, comes assault and battery; then petit larceny; after which follow the higher crimes of grand larceny, burglary, arson, manslaughter in its various degrees, &c., &c.

Lack of early parental care and culture is believed by Mr. Felton to be the primary cause of crime in the case of the great majority of those who come to this prison. From this, as from a fountain, come tavern-haunting, intemperance, low habits, and association with bad company—all prolific sources of crime.

*Employment of Discharged Convicts.*—Mr. Felton is of the opinion that there are no discharged prisoners from the Erie county penitentiary, who, being really desirous of obtaining work, find any serious difficulty in doing so. Whether this is a mere impression of his, or the result of careful examination, we know *not*; certainly, it is an opinion different from that held by most

governors of prisons. The general agent of the Prison Association assures us that never, during his thirteen years connection with the society, has he found so much difficulty in securing places for released prisoners as at the present time.

*Security of the Prison.*—In itself, this penitentiary is far from being a secure place for the confinement of prisoners. Its security lies in the vigilance and alertness of the officers, and especially of the superintendent. Not more than a half dozen escapes have occurred during the administration of Mr. Felton, a period of nearly four years. All were retaken, and all brought back but one; a woman who had crossed over into Canada. Her return was prevented by the interference of the military authorities.

*Hours of Rising, Meals, &c.*—Prisoners rise at five in summer, and go to bed from eight to nine; in winter, they rise at six, and retire at seven to eight. There is no fixed time for retiring to bed, but the hours named are those in which the majority choose to seek the repose of sleep.

In summer, prisoners take breakfast at 5½, dinner at 12, and supper at 6; in winter, breakfast at 6½, dinner 12, and supper at 5.

*Food of the Prisoners.*—We found the food supplied to the prisoners of good quality and abundant in quantity. No one is stinted in his rations, but has all he desires. Many of the officers eat the same bread which is supplied to the prisoners, preferring it to any other. The bread is of two kinds, wheat and Indian, four parts of the former to one of the latter; and wheat and rye, two parts of the former to one of the latter.

Supplies of all kinds are procured by the superintendent by direct purchase, none by contract.

*Income and Expenditures.*—The expenditures during the year were: For salaries, \$7,093.38; provisions, \$13,007.54; medicines, \$771.30; bedding and clothing, \$5,234.41; improvements and repairs, \$1,034.37; furniture, \$743.69; fuel, lights, insurance, &c., &c., \$7,093.38; making a total of \$38,112.71 as the expenses of all kinds for the year. The income for the same period from all sources other than appropriations from the county treasury, has been: From convict labor, \$15,751.69; fines, \$3,865.00; boarding prisoners, \$7,467.77; miscellaneous sources, \$580.30; making a total of income of \$27,664.76. This gives a deficit of \$10,447.95 to be supplied from the funds of the county, or a little more than twenty-five per cent of the whole cost of the year.

*Cost per capita.*—Leaving out of the account permanent repairs

the average cost of prisoners *per capita*, including officers' salaries, was, for the year 1866, \$183.25; excluding salaries, it was \$114.50.

*Earnings of the Convicts.*—The average number of prisoners employed on productive labor during the year, was 232, and their gross earnings amounted to \$15,751.69, which gives us the net proceeds of each prisoner's labor for the year, the sum of \$67.89, or a little over one dollar a week, an amount ridiculously small, considering the general rate of wages and the fact that the gentlemen who hired them were at no expense, either for their workmen's board or for the shop room in which they performed their labor. Can it be doubted that the contractors realized several times the amount in profits paid to the county of Erie for the hire of these convicts?

*Discipline.*—Justice, uniformity and firmness are claimed by the superintendent (and we have no disposition to dispute the claim) as cardinal principles in the discipline of this prison. Kindness is said to be employed as far as it is safe and expedient to do so. One of the most effective agencies in the discipline is the commutation law, the influence of which here, as elsewhere, has been found to be highly salutary.

The rules of the prison do not appear to be sufficiently explained to prisoners on their first entrance, nor the importance and utility of their observance to be, with adequate solemnity, impressed upon their minds. We were told that *usually* (it would seem not always) they are explained to new-comers by the person in whose charge they are mainly to be. It seems to us that this ought uniformly to be done by the superintendent or his deputy, and with due seriousness and formality, also with such clearness and particularity that there should be no excuse for transgressing ignorantly.

It ought, too, in our judgment, to be made obligatory on the chaplain, a part of his regular duty in this and all other prisons, to converse kindly and faithfully with every prisoner before he is set to work. But no such obligation is laid upon him here, nor indeed, we believe, has any service been required of him further than a single sermon on Sunday morning.

Convicts are set to work here immediately on their reception, without any previous solitary confinement. A period spent in solitude, even though it should be but brief, might be found beneficial, especially if occasion should be taken of it by the proper



officer to turn the prisoner's mind to his past life, and to impress upon him the lessons suited to his circumstances.

Prisoners are not informed here how much time they have earned by good conduct, under the commutation law, until they are discharged. In the State prison of Massachusetts, each convict is furnished with an almanac, in which he notes down, month by month, the number of days to be deducted from his sentence in consideration of his observance of the prison rules as to industry and obedience. This is found to have an excellent effect there, and, in the nature of things, could not fail to have the same good influence elsewhere.

No forfeiture has ever been exacted in this prison for time once earned.

No privileges are accorded to prisoners in this penitentiary on public holidays, other than a discontinuance of labor, and occasionally the furnishing them with a somewhat improved ration.

Only two punishments appear to be used here—the dark cell with short rations, and placing handcuffs upon the culprit and fastening him up to the wall on tiptoe. The former is the ordinary resort, when punishment is deemed necessary. By some prisoners one of these methods is regarded as the more severe; by others, the other.

Punishments, properly so called, are said to be infrequent; but no regular record is kept of them. This we regard as a grave and censurable omission. The tendency of power is always to abuse; and every suitable device should be employed to prevent its perversion to purposes of tyranny and oppression. We do not believe the present incumbent at all inclined to such perversion; but his successor may be a man of very different character. We trust, therefore, that a punishment book will be immediately introduced into Erie county penitentiary, and a full and accurate record kept of all punishments inflicted.

The power of punishing is confined to the deputy, under the direction of the superintendent. No subordinate officer is entrusted with this right.

Punishments are far more frequent, proportionally, in the female than in the male department of the prison.

The "herding of prisoners," that is, crowding them together, two or three in the same cell, is the most fruitful source of demoralization and disorder in this penitentiary. The influence of con-



fining male and female prisoners in the same prison is regarded by the superintendent as bad in a moral point of view.

The most common offense for which punishments are inflicted, is communicating. The rule of silence cannot possibly be enforced in the cells, with two or more prisoners occupying each. It is not easy to enforce it even in the workshops, because of the noise of the machinery and the proximity of the prisoners to each other, which render communication difficult of detection. Also, while marching, the prisoners sometimes communicate, but this cannot be carried to any great extent. The principal, if not the only mode of communicating here, is by whispering.

Under existing arrangements in this prison, as explained above, the evasion of the rule of silence can and does proceed to the extent of becoming a source of mutual contamination.

Complaints of prisoners against officers are always listened to by the superintendent; but almost invariably, in such cases, the prisoner is made to see and acknowledge that the fault is with him. Mr. Felton informed us that he had never found a prisoner deliberately lying to him.

No objection has ever been made here either to the prison dress or the lock-step.

*An Interesting Case.*—At the time of our visit there was a prisoner (a woman) confined in the penitentiary, whose case seemed to us so peculiar as to deserve special mention. She was sent from Sing Sing, under the act of 1865, and is of course, a State prisoner. She was represented as rash, willful, obstinate and profane to the last degree. When she first came to the penitentiary, she swore that no prison officer ever had controlled her or ever should. Mr. Felton thought that hers would certainly be regarded as a case of demoniacal possession, if we were living in an age when such possessions were supposed to exist. Her conduct, as it seemed to him, could be explained only on the assumption of a partially diseased state of the mental faculties, though she exhibited no such evidences of insanity as would require or even warrant her removal to the State Asylum for the Criminal Insane.

*Character and Qualification of the Officers.*—The superintendent regards all his officers as perfectly honest men, and they are all temperate with one exception. He also considers them, in a general way, qualified for their several positions. If he thought otherwise, if they did not, on the whole, do their duty to his *satisfaction*, he would discharge them, since the power of so doing

is lodged in his hands. Some further explanation is due to the Legislature and the public, of the exceptional case of intemperance noticed above, as existing among the officers. The explanation given to us was, that there are times when it seems impossible for this person to keep from drinking; and this insatiable and irrepressible appetite is believed to be, in his case, the result of physical disease. For the rest, he occupies a post (that of clerk, we believe), where he does not come in contact with the prisoners; and his services in that department, are regarded as very valuable. The explanation, we frankly confess, was not satisfactory to us. It is our conviction that no officer of intemperate habits, however valuable in other respects, should be retained upon a prison staff. Dismissal for such a cause should be made a rule in every penal institution, as unalterable as the laws of the Medes and Persians. There is no other safe and proper course. The person in question seems to us a more fit subject for the State Inebriate Asylum, than for any position of responsibility either in or out of a prison.

*Pardons.*—The number of pardons granted to the inmates of the county penitentiaries is small, as compared with the number extended to the occupants of our State prisons. The average of pardons for the last five years in the penitentiary of Erie county, taking the whole number of prisoners as a basis, does not exceed one per cent., including the pardons by the Common Council as well as by the Governor. Very few of the prisoners here hope for a pardon, contrary to what happens in the State prisons, where every convict is looking for the exercise of executive clemency. Of the whole number of prisoners sent from Sing Sing in 1865, nearly or quite all, when received, hoped for pardons; but they have been effectually cured of such expectation since their incarceration in the penitentiary.

When asked whether he thought the hope of pardon operated as an obstacle in the way of reforming prisoners, Mr. Felton said that he did not; and for the reason that, so far as he has had opportunity to observe, no special effort is made for the reformation of convicts in the prisons of this State.

*Promiscuous Visitors.*—Mr. Felton expressed himself as decidedly opposed to the admission of promiscuous visitors into the prison, and he has abolished the practice. When he first assumed the administration, every one who paid a shilling was free to go through the entire establishment. A very undesirable class of

persons was thus introduced into the prison. A discrimination is now made, and only such persons are admitted as are believed to be of proper character. The effect of permitting promiscuous visitation was found to be every way bad. The general conduct of the prisoners is good, better than could be expected from such a class of persons.

*Religious Instruction.*—There is no resident chaplain provided for this penitentiary. The board of supervisors employ a clergyman to visit the institution and hold a service every Sabbath morning. This is all the provision made for the religious wants of the prisoners. The chaplain seldom visits the prison or performs any official duty there during the week; he is under no obligations so to do by the terms of the agreement made with him. The chaplain has given way on the first Sabbath of each month to the local committee of the Prison Association, who have on that day held a religious service in the penitentiary throughout the year, and distributed religious reading to the inmates. This service has been conducted by the gentlemen composing the committee with much zeal and discretion, and has proved highly acceptable both to the authorities and the prisoners. An arrangement has been made between the committee and the board of supervisors of Erie county, whereby the entire religious services of the year are to be conducted by the committee, on the condition of receiving from the board the \$200 heretofore paid to the chaplain, to be expended in the purchase of suitable religious reading—papers, tracts, &c.,—for the use of the inmates of the penitentiary and the common jail.

Formerly a Sunday school was kept up in the prison; there is none at present. The crowded condition of the prison, and consequent want of accommodations, are assigned as the cause of its discontinuance. The superintendent says that it is suspended rather than abandoned. It is to be hoped that our committee will find means to revive it, and that it will be conducted by them, or through their agency, with greater vigor and usefulness than ever before.

It is the intention to keep every cell supplied with a Bible; many have been given by our local committee, but the prisoners often destroy them, and the greater part make but little use of them. Hymn books and prayer books are given to those who desire them, and all are supplied with the former in the chapel on Sabbath.

*There is no prison choir, but the matron's melodeon is played*

in the chapel, and a considerable number of the prisoners join in the singing. The influence of the music on the prisoners, especially those who participate in it, is regarded as beneficial, both morally and physically. The effect of the Sabbath services is salutary; but the superintendent considers it rather recreative than spiritual in a majority of cases.

The committee are of the opinion, in which they are happy to have the concurrence of the head, that this large and important penitentiary should have the full services of an earnest and devoted chaplain, who would give his whole time and strength to the intellectual, moral and religious improvement of its inmates. We think the county derelict to a plain and solemn obligation, so long as it withholds the means of procuring the service here indicated.

We regret to be obliged to report that when a prisoner dies here, no burial service is held over his remains. His body is given into the hands of friends, when reclaimed by them, otherwise it is delivered to the undertaker. We trust that, as our own committee have now undertaken the religious care of the prison, they will see that the dead, even though they were criminals while living, have a decent, christian burial.

*Correspondence.*—There are no fixed rules in regard to prisoners' corresponding with their friends: but they write whenever the superintendent thinks proper to grant them permission. There is no restriction upon their receiving letters, except that the letters be of a proper character. A large proportion of the prisoners correspond with their friends, but all correspondence, both ways, is subject to revision by the superintendent. The letters, both those written to and those received from friends, relate, for the most part, to family and business matters. Penitence is often expressed by the prisoners, and good advice given by their friends. Upon the whole, the influence of their correspondence is regarded as beneficial rather than otherwise.

*Means of Secular Knowledge.*—There has been a small prison library, but the books are now pretty much worn out; there is hardly a perfect one among them. Many of the prisoners are fond of reading, and would spend their leisure time, of which they have considerable, in this occupation, if the means were provided. What few books remain are in the prison, and are passed from cell to cell.

No attempt is made to educate such prisoners as need it, though many quite young persons are imprisoned here. There is no

school, and no instruction of any kind, in any manner, or to any extent, is imparted.

The county owes it to itself, as well as to its criminal population, to adopt the necessary reforms without needless delay. A suitable library should be provided at once, and provision made, at as early a day as practicable, for imparting the necessary instruction to those whose education had been neglected in their childhood. The same person might perform the duties of chaplain and teacher.

*Sanitary state of the prison.*—Some extracts from the annual report of Dr. Thomas Lothrop, physician to the penitentiary, under date of Sept. 30, 1866, will best and most accurately set forth this branch of the subject. Dr. L. says:

“The duty devolving upon me to present to your honorable board an annual report of the sanitary condition of the institution does not enable me to record, for the past year, as gratifying a state of the general health as that presented in my last annual communication. The increased number of prisoners has been followed by a corresponding amount of sickness. The apartments have not been adequate to the augmented demand which has been made upon them, and, as a consequence, the confinement of three or four hundred human beings in a space originally designed for less than half that number has been attended, through this plain violation of the laws of health, with its natural effect upon the healthfulness of the prisoners, which the most constant care upon my part, aided by the unremitting attention of the officers of the institution, could not overcome. This increase of sickness has been followed by a large mortality, ten deaths having occurred during the year, all but one of which were from diseases contracted previous to admission. I can but attribute this result to proceed, as a natural consequence, from overcrowding, defective ventilation, and other causes, arising almost entirely from the disproportionate number of prisoners to the accommodations which the penitentiary affords.

“No epidemic has visited the institution during the year. To a thorough vaccination of all the prisoners, and of those who were daily admitted, immediately after they were received, must be attributed our immunity from the small pox, which prevailed so largely in this vicinity during the last winter and spring.

“There has been one birth during the year, the little offspring

of sin being removed by an early death from a life of shame and disease.

“The constant attention which has been directed by the officers to the cleanliness of the prisons and prisoners, the personal supervision given to the comfort and condition of each convict, the assiduity and care devoted to the sick and suffering, I feel it my duty to commend in the highest terms, inasmuch as it has contributed so much to mitigate the inconveniences experienced by the prisoners in their overcrowded and contracted apartments, while it has assisted in a great degree to the recovery and rapid convalescence of many whose recuperative powers had been so nearly exhausted by dissipation.

“The early completion of the male prison affords a source of encouragement and hope that the ensuing year will witness an improvement in the sanitary condition of the whole institution, which only more ample accommodations and the thorough ventilation which I am happy to see is being incorporated in its construction will afford.”

*Length of Sentences.*—The major part of the sentences here are short, far too short to be of any advantage either to the prisoners themselves or the county. Of the 1,768 persons committed to the penitentiary, no less than 1,149—nearly two-thirds were sent under sentences of thirty days and less. A large proportion of these were of the class known as “revolvers;” that is, persons who are again and again committed on short terms; sometimes, indeed, as many as twelve times in the course of a year. The commissioners, in their annual report for 1866, well and forcibly remark:

“It is of no use to send prisoners by the cart-load daily to our gates, and, after detaining them a few hours—or a few days at most—to let them loose again, to be almost immediately returned in the same state of beastliness in which they were first admitted. The prominent cause of the arrest and conviction of short-timed convicts is the too free use of liquors. The location in which most of them are arrested is at the lower part of the city of Buffalo, and among disreputable houses. The police authorities have the power to break up the nests which infest the city, and arrest and punish their keepers, and they ought to use it. The filling your walls with the keepers of the drinking houses and other brothels, rather than with their customers, would, in a very short time, so diminish the number of our inmates, that further



additions would not need be called for by us. When danger of imprisonment follows the sale of poison to our citizens, very few persons will need be arrested for having purchased it. Dens of infamy, gambling and drinking haunts, and dance-houses ought not to be tolerated."

To the same effect, the superintendent in his report observes:

"The effect of crowding into our prison daily herds, so to speak, of short-timed convicts is very detrimental to our discipline, destroys the hope of apparent economic management, and has little effect in controlling the future of those sent to us as prisoners.

These views are quite in harmony with those long held by the Prison Association, and enforced by them in successive annual reports. It is our conviction that there is scarcely any department of legislation which stands in more need of revision than that which relates to the punishment of crime and the administration of criminal justice.

## 2. MONROE COUNTY PENITENTIARY.

*Prison Premises and Buildings.*—This prison has a fine, healthy situation on an elevated piece of ground, about a mile south of the city of Rochester. The grounds belonging to the institution include a farm of thirty-two acres, under excellent cultivation, and yielding an abundant supply of vegetables for the use of the inmates.

The buildings are all of brick. They are substantial structures, consisting of 1. A spacious centre building, containing the prison offices and residence of the superintendent. 2. Two wings, or cell-houses, one for the accommodation of the male, the other for the female prisoners; each 146 feet by 49 feet, except a portion at the end which is 54 feet wide. 3. Two workshops for the men. The women work in apartments fitted up for the purpose in their own prison.

*Government of the Prison.*—As in Erie county penitentiary, the ultimate power of government is in the board of supervisors, thirty-three in number, who appoint the inspectors and the superintendent.

The board of inspectors consists of four members, one from each Assembly district in the county and one at large. They hold *their offices four years*, one being chosen and one going out each year. *It is their duty to visit the penitentiary jointly four times*



a year, and individually once a month ; to supervise the financial and general affairs of the institution ; and to report annually to the supervisors. This board appoints the chaplain and the physician. The appointment of all the subordinate officers rests with the superintendent, subject to the approval of the inspectors. Practically, the superintendent is the sole appointing power, as his nominations are uniformly confirmed.

It is with pleasure that we report a state of things here directly the reverse of that reported as existing in Erie county, so far as relates to the influence of partizan politics in the government of the penitentiary. This has never been felt as a demoralizing or even a disturbing element, as it is wherever it gets, and in proportion as it gets, a controlling power in the administration of a prison. This penitentiary went into operation in the year 1854. The present superintendent, Mr. Levi S. Fulton, has held that position five years, having been twice elected to it, the term of service of this officer under one election being three years. He had but one predecessor in office, Mr. Brockway, now of the Detroit House of Correction, who served seven years, and was three times elected. He went out of office by resignation, or would no doubt have been continued therein to the present time, and as long as he should be willing to serve. Now, a clear proof that politics has had nothing to do with these appointments is found in the fact that each of the incumbents, at every election, has belonged to a different political party from that of the majority of the appointing board. Efforts have often been made to induce the supervisors to take the politics of the candidate into the account in appointing a superintendent, but they have steadfastly resisted all such influences, and have made their election on the ground of merit alone. It is to be hoped that the same wise policy will be observed in the future, which has marked the past action of the board. As regards Mr. Fulton's own course in appointing his subordinates, it is free from all taint of political bias. Considerations of a political character have not the smallest weight in determining his selections. He never interrogates an applicant as to his political creed, and neither knows nor cares, officially, how any officer votes at a political election. We asked Mr. Fulton what, in his judgment, would be the effect of making politics the controlling power on the government and administration of the prison. He replied that he thought the prison would *run down*; that the discipline would go to pieces; that the finances

would fall into disorder and ruin; and that, in general, such a policy would be disastrous to the best interests of the institution.

Mr. Fulton assured us that, in the main, his subordinates discharged their duties to his satisfaction; and that when they fail to do so, they are promptly dismissed.

*Drainage.*—The drainage is excellent, so far as the arrangements for effecting it are concerned. There is a large, well constructed main sewer under the centre of the building, with lateral sewers leading into it. The only difficulty is in the want of sufficient water to carry off all the filth deposited in them.

*Supply of Water.*—There are two wells on the premises, and eight cisterns. Into these latter is brought all the rain falling on the roofs of the entire system of prison buildings. Besides the water thus collected, a team is kept busy the greater part of the time, hauling water from wells on the fair grounds, distant three-fourths of a mile, and, when these give out, as they often do in summer, from the Genesee river, a distance of a mile and a quarter. The quality of the well water is good, except that it is hard; but the supply from all the sources named, is insufficient for the necessary uses of the prison. This is, emphatically, a penny-wise and pound-foolish policy, and has proved itself so in practice. The money expended in making good the losses sustained by the fire, noticed in our last report, would have been more than enough to erect the necessary works for the introduction of an unlimited and never failing supply of this important element. Such parsimony, as short-sighted as it is despicable, is unworthy of the great and wealthy county of Monroe. It is to be hoped that the authorities will not much longer suffer this disgrace to attach itself to their good name.

*Bathing.*—There is one bathing trough in the male prison, in which three men can bathe at the same time, and a bath room with a single bathing tub in the female prison. All the prisoners are required to bathe every Saturday in warm weather, and once in two weeks, when the weather becomes cooler. More convenient and complete arrangements for bathing purposes are greatly needed here.

*Ventilation.*—In the male prison there is a ventilating flue in each cell reaching to the roof, which is surmounted by Emerson's ventilators. There are twenty holes, seven inches in diameter, in the wall just above the floor, for letting in fresh air, which are *never closed*. There are also four large holes in the ceiling for the egress of foul air, which can be opened or shut at pleasure,

and eight openings on the walls into flues for the same purpose, which are always open. There are twenty-one windows three feet by sixteen, the dimensions of the building being those before stated, and the height of the ceiling thirty feet. The windows are kept open night and day in summer, and in winter they are thrown open whenever the prisoners are out of their cells. By these several appliances, the air within the prison is kept pure and salubrious. The female prison is ventilated in the same way, and has the same proportion of window space.

*Heating.*—The prison is heated by coal stoves ; four in the male and two in the female hall. The temperature, on an average, is kept at about 70 deg. in winter, and is reasonably cool in summer.

*Lighting.*—There is abundance of light in the day time for all purposes. At night, the prison is lighted by kerosene lamps, which are kept burning, full head on, till 8 o'clock P. M., and partially all night. The lamps are near enough to each other to afford sufficient light for the men in the two lower tiers of cells to read by, but not for those in the two upper tiers. The long term prisoners occupy the lower tiers.

*The Prison Cells.*—There are 192 cells in the male ward, and 72 in the female. Their dimensions are eight feet long, seven feet two inches wide, and seven feet high. The floor of each is a single solid stone.

*Number of Prisoners.*—The number of prisoners has been greater in 1866 than it was in 1865; but the ratio of increase here bears no proportion to what we have seen in Erie county. The whole number received into Monroe county penitentiary last year was 668, against 594 received the year before; and the average number in 1866, as near as we can make it out from the data given in the report of the superintendent (for it is nowhere distinctly stated), was 244 against 208 in 1865. The average number of males in 1866 was 165; of females, 79.

*Prison Labor.*—At the time of our visit, the number in confinement was 217, of whom 139 were males, and 78 females. Of the 139 males, 126 were employed in productive labor as follows: 99 on the shoe contract, and 27 in manufacturing barrels for the county. Of the remaining thirteen, eleven were employed in working on the farm and about the prison, and two were in the hospital. Of the 78 females, 54 were at work on the chair contract, and the other 24 were employed in various positions about the prison—sewing, cooking, washing, &c., &c.

It will be seen from the above statement, that prison labor here is conducted partly on the contract system and partly on account of the county; by much the larger moiety on the first of these principles. Those who are employed in the manufacture of boots and shoes are hired out at 40 cents per day, the contractors furnishing their own instructors, paying the salaries of overseers, and supplying stoves and fuel for the shops, and the county furnishing shop room and boarding the overseers. It will be seen that these are far better terms than are obtained in the Erie county penitentiary; and yet it is the opinion of Mr. Fulton that very large profits are realized by the contractors; in fact, that they must clear not less than a dollar a day on each man employed by them. A small portion of the men are employed in manufacturing barrels for the county. They are much inferior, physically, to those contracted for in the shoe shop; indeed, they are men who could not be let at all on the shoe contract. Nevertheless, they have, in former years, earned for the county over sixty cents a day, man by man. Their earnings the past year have been somewhat below that figure, owing to the high price of raw material and the low price of flour barrels. The women engaged on contract labor, seating chairs with flag and cane, do piece work and earn from 25 to 30 cents a day; which, again, is a considerable advance on the earnings of the same class of prisoners in the penitentiary at Buffalo.

Mr. Fulton is of the opinion that, financially, the county would be a gainer by working all the prisoners on its own account. He thinks that with a sufficient amount of capital (say \$20,000), and the labor skillfully applied, the present revenue of the prison might be nearly or quite doubled.

The same intelligent officer is of the opinion, that if the entire labor of the prisoners were directed by the prison authorities, the penitentiary would derive still higher moral, than pecuniary advantages, from the change of system, because, in that case, it would be practicable so to arrange and conduct its discipline, as to give prominence to reformatory agencies. This increased attention to reformation might be secured, he thinks, first, by devoting some portion of the day to the education of the prisoners, especially those belonging to the younger and more hopeful class; and secondly, by making it a more direct object to impart the complete knowledge of a trade *to those who have never learned one before*. This latter he deems *an object no less important, as an agent of reformation, than the*

former. He is under the impression that, on the average, not more than one in ten of those committed to the penitentiary, had learned a trade prior to their incarceration, and this want of a trade, was a great occasion of their being led into the commission of crime. If they learn a trade while in prison, it is a potent safeguard against falling again after their liberation. He has been led to this conclusion, by what he has observed in the case of convicts discharged from his own prison, not a few of whom, in consequence of what they learned at shoe-making during their imprisonment, have been able to obtain lucrative employment at the same business since their release, and in this way have been saved from a return to crime, and restored to virtue and respectability.

Upon the whole, therefore, while it would be to his own personal ease and comfort to have things go on as at present, he is persuaded that a change of the labor system, in the direction indicated would be to the advantage of the county in a financial point of view, it would be still more to the advantage of the prisoners morally and intellectually.

*Employment for Discharged Prisoners.*—We have seen that the superintendent of Erie county penitentiary thinks that no convict discharged from that prison, who is willing to work, has any need either to suffer or again resort to crime for the want of it. The superintendent of Monroe county penitentiary holds an entirely different view in reference to convicts liberated from that prison. He finds a decided unwillingness on the part of the community, and this is certainly the general experience, to employ persons who have been in the penitentiary; and even where individuals are found who consent to take discharged prisoners into their employ, they do not (such at least is often the case,) treat them as they do their other hired hands. There are very many prisoners, he believes, who, on their liberation, are able and willing to work, but who, from the reluctance of the community to have anything to do with them, are quite unable to obtain it; and even when they do get employment, if they are found out to have been in the penitentiary, they are discharged. He gave us several touching instances in illustration of this statement, one of which we will relate. A youth of the age of eighteen, who had many good qualities, had conducted himself well in prison, and was believed to be sincerely anxious to reform, on his discharge, saw an advertisement in the newspaper, to the effect that a boy was wanted as a waiter in Congress Hall. He applied for the situation, and,

being of prepossessing appearance and manners, was immediately engaged. The proprietor directed him to procure a roundabout and two aprons, of the ordinary kind used by waiters in a hotel. Some kind friend, as usually happens in such cases, informed the steward of the house that the boy had been incarcerated in the penitentiary. This fact having been communicated to the landlord, he told him that he did not need his services. He accordingly paid him for the garments procured, and let him go. Soon after his dismissal he was told by another boy that he could find employment at Oil Creek, where he would obtain great wages. Being anxious to avail himself of this opportunity, but having no means of getting to the place, he stole money to pay his passage. He was again arrested, tried, convicted and sentenced to the penitentiary for two years, where he is now serving out his time.

*Number of soldiers imprisoned.*—We could not ascertain the exact number of prisoners received during the year who had served in the late war for the preservation of the Union, but we were informed in general that the proportion is considerable.

*Crimes of Violence.*—The number of offences, marked by violence in the commission, is on the increase here. The proportion of this class of crimes during the past year has been from fifteen to eighteen per cent greater than during the year immediately preceding.

*Classes of Crime most prevalent.*—Drunkenness and disorderly conduct (the latter to a great extent a euphemism for prostitution), send the largest number of persons to the penitentiary—238. Next comes larceny (grand and petit), 178. Then follow assaults in their various degrees of violence and malignity, 57. These four give a total of commitments of 473, or nearly three-fourths of the whole. After them come vagrancy, violation of excise law, &c., &c.

*Causes of Crime.*—The use of intoxicating drinks is assigned as the chief and, indeed, almost the only cause of crime in this district.

*Security of the Prison.*—The prison is regarded by the superintendent as secure in every part. A few escapes (five or six) were attempted by prisoners working outside, but all were retaken except one.

*Times of rising, taking meals, &c.*—In summer the prisoners rise at 5 A. M.; in mid-winter about 6, and at other seasons the time of calling them up varies, always ranging between the two



hours named, the aim being to get them out as soon as it is light enough to see.

The hours of meals are : In summer, breakfast at 5½, dinner at 12, and supper at 6 ; in winter, breakfast at 7, dinner at 12, supper at 5½.

*Dietary.*—The food of the prisoners is of a coarse quality, as the law directs; but we believe it to be wholesome, and the supply abundant. None suffer from hunger.

*Mode of obtaining Supplies.*—None of the supplies for the use of the penitentiary are procured by contract. The superintendent purchases all, on terms the most favorable, that can be obtained.

*Finances.*—This department of the penitentiary, like all others, is managed with great ability, and appears to be in a healthy and prosperous state. The following exhibit presents a general view of the financial operations of the year :

#### *Expenditure.*

|                                |             |
|--------------------------------|-------------|
| Provisions .....               | \$16,965 37 |
| Furniture .....                | 34 48       |
| Clothing and bedding .....     | 3,096 18    |
| General expenses .....         | 7,940 35    |
| Repairs and improvements ..... | 1,543 76    |
| Discharged convicts .....      | 291 28      |
| Insurance .....                | 239 72      |
| Interest .....                 | 722 42      |
| Building account .....         | 742 27      |
| Gain to the Institution .....  | 1,286 77    |
|                                | <hr/>       |
|                                | \$32,862 60 |

#### *Income.*

|                               |             |
|-------------------------------|-------------|
| Shoe shop .....               | \$11,130 01 |
| Coopers' shop .....           | 1,393 11    |
| Female work shop .....        | 2,646 47    |
| Farm account .....            | 2,148 50    |
| Board account .....           | 14,593 49   |
| Fine account .....            | 253 00      |
| Admission fees .....          | 118 02      |
| Clothing State convicts ..... | 580 00      |
|                               | <hr/>       |
|                               | \$32,862 60 |

Thus it appears that the revenue has exceeded the expenditures in the sum of \$1,286.77, notwithstanding the extraordinarily high prices of all the supplies, and despite the fact that \$2,286.03 were



expended on permanent repairs and building account. But for this, the excess of earnings would have been \$3,572.80.

The amount paid in salaries we did not learn from the authorities, nor is it anywhere definitely stated in the annual report of the inspectors or superintendent. Supposing it to be \$7,000, which cannot be very wide of the mark, the cost of the prisoners, for the last year, *per capita*, exclusive of salaries, was \$91.35; including salaries, it was \$120.04. The amount expended on permanent repairs and building, \$2,286.03 is left out of the account in this calculation.

*Discipline.*—This prison, like all others in this State above the grade of the common jail, is conducted on the congregate plan. As a matter of course, the law of silence obtains here, and prisoners are not permitted to look about the shop or gaze at visitors, when any such happen to be passing through. For a first offense, the prisoner is simply reprimanded. Even for a second offense, he is sometimes let off on a reprimand; but this depends very much upon the nature of the offense committed. In general, the discipline of this institution may be pronounced strict, but mild. Both justice and humanity seem to be instincts in Mr. Fulton's nature. He is even-tempered in a remarkable degree, and equally distinguished for steadiness of purpose and kindness of heart. Punishments are rare, and are becoming more and more so, as the superintendent gains in experience, and of course in that tact and skill, of which experience is the source in every man of sense and judgment. He finds (he says) that the prisoners work fully as well and far more cheerfully under kind treatment than under severity.

Convicts, on being brought to the prison, are not kept for any length of time in solitary confinement, but are put immediately at work; previously to which, however, the rules are explained to them by the superintendent or deputy. The chaplain sees and converses with each prisoner as soon after his entrance as may be practicable.

Prisoners are always informed, when they come in, of the existence and provisions of the commutation law. They are made fully aware of the benefit they may gain through it by good conduct and industry in the shortening of their sentences. The law has had an excellent effect upon the discipline and order of the institution. No forfeiture of time earned by good conduct has ever *yet been exacted* for bad conduct.

No special privileges are accorded to prisoners on public holidays, except cessation of work and occasionally a better dinner.

The punishments in this prison are the scourge—a leather strap twenty inches long and one and a half wide—and solitary confinement in the dungeon. Not more than five or six blows are given at once, and sometimes only one. This is the most common punishment, and we are not surprised to learn that it is regarded by the prisoners as the most severe. If scourging could ever be properly administered to man or woman, we are sure that such a punishment could not be in better hands than those of Mr. Fulton. But we are utterly and unalterably opposed to this mode of punishment for all rational beings who have passed the period of childhood. It is against the spirit of the age; against the sentiment of humanity; against the convictions of the best and the wisest of all countries; it is forbidden by the laws of the State in our State prisons; and we entreat this excellent prison officer to discard it at once and forever as an instrument of discipline in an institution worthy, in many respects, to be regarded as a model.

All punishments inflicted are made matter of permanent record.

The authority to punish is confined to the superintendent, or to the deputy under his direction.

The most common offenses are bad work (intentional), refusal to work, and attempts to communicate.

The rule of silence, it is claimed, is enforced in the male department almost to the letter; not so fully in the female department, owing to the want of an equally effective vigilance. Possibly the matrons have some slight feeling of sympathy with the propensity of their wards to talk; for a member of the committee when on a visit to that institution, remembers to have heard the matron of the Eastern Penitentiary, Pa., organized on the separate system, say that the women there communicated just as much as they possibly could; and she couldn't blame them for it.

Whispering is the most common method of communicating, but sometimes the men in the shoe shop write with an awl on a piece of leather, and pass it to a comrade. Mr. Fulton thinks that, except when the prison is so full as to make it necessary to duplicate the prisoners in the cells, the evasion of the rule of silence cannot be carried to such lengths as to become a source of mutual contamination. He may be right in this opinion, but we are inclined to doubt.

It is *very seldom* that complaint is made by prisoners against

their officers. Whenever they do complain, however, the case is investigated, that justice may be done. In such cases the prisoner's word is not taken as decisive, but due weight is given to it as corroborating other evidence.

No opposition has ever been expressed by the convicts here either to the parti-colored dress or the lock step.

Mr. Fulton is, upon the whole, satisfied with his subordinate officers. He considers them perfectly honest, sober and truthful, and of good moral character in all other respects. They discharge their duties to his satisfaction.

*Pardons.*—But few prisoners receive a pardon, not more than from two to five in a year, scarcely, therefore, one per cent. Nevertheless, long-sentence prisoners generally hope for executive clemency, the effect of which is bad, making them restless and unhappy. They do not work as well, nor is there as much ground to hope for their reformation as if the thought of a pardon had never been entertained by them. Mr. Fulton thinks that a young prisoner unwittingly lost his life this year in carrying out a device framed with the view of obtaining a pardon. On the 13th of April last, a suicide was committed in the prison by a youth sixteen years of age, who had been sentenced for three years and four months. He thrust a knife into his abdomen, and died five days after the act. His friends thought that he must have been insane at the time; but Mr. F. is of the opinion that he intended only to inflict a wound upon himself, thereby exciting sympathy in his behalf, with the view of availing himself of that feeling to procure a release.

*An interesting Case.*—The above case reminds us of another which was related to us on our visit, and which we here record as a singular manifestation of poor human nature. There is a man at present confined in the penitentiary, who is probably the most unmitigated liar now living, or who perhaps ever has lived. On one occasion he begged money of his neighbors to buy a coffin for his child, whom he represented to have died suddenly, although she was alive and well at the time. The money so obtained was spent on drink. At another time he applied to a gentleman for money on the same pretence. The gentleman purchased a coffin and presented it to him. He sold the article and used the proceeds on his appetite. He afterwards enlisted and went to the war. He wrote to his wife that he had been arrested *for deserting*, and sentenced to be shot. She evidently, in collu-

sion with him, had it put in the papers that he had been shot, and went around begging money to bring on his remains. She procured a considerable sum, went on to Washington, set herself up in business, and at the close of the war she and her husband returned to Rochester in possession of funds to quite a respectable amount. He, however, soon committed some crime, which he is now expiating under the care of as humane and kind a prison keeper as he could have found on the continent.

*Nativity of the Prisoners.*—Of the 668 received during the year, 319 were born in the United States, and 349 in foreign countries. This is considerably less than the usual proportion of foreigners, which has often been as high as two-thirds.

*Religion.*—The Protestants committed to the penitentiary numbered 331; the Roman Catholics, 332; the Jews, 5.

*Sex.*—There were 477 commitments of males during the year, against 191 of females.

*Education.*—Of the whole number (668) imprisoned, 157 could not read; 91 could read only; and 410 could read and write. Nearly one-fourth were without education of any kind, and as many more probably had none that was available for practical purposes. The statistics on this head show very clearly the relation of ignorance to crime.

*Moral Habits.*—Four hundred and twelve admitted themselves to be intemperate; 256 claimed to be temperate. All who have had much intercourse with criminals, know how vague is their idea of temperance. Unless they have one or two sprees a week, they regard themselves as quite sober persons.

*Age.*—Under twenty, 124; between twenty and thirty, 220; between thirty and forty, 155; between forty and fifty, 95; fifty and over, 74.

*Occupation.*—Of day laborers committed, there were 186; mechanics, 174; servants, 131; farmers, 39. The remaining 138 were distributed among a variety of employments,—hotel keepers, house keepers, boatmen, sailors, &c., &c.

*Number of Times Committed.*—Of the whole number (668) received, 542 were committed for the first time.

Seventy-six had had one prior commitment.

Fifty had had two prior commitments.

Twenty-eight had had three prior commitments.

Twelve had had four prior commitments.

Nine had had five prior commitments.

Six had had six prior commitments.

Twelve had had seven prior commitments.

Nine had had eight prior commitments.

Two had had nine prior commitments.

Two had had ten prior commitments.

Three had had twelve prior commitments.

Two had had thirteen prior commitments.

Two had had fourteen prior commitments.

One had had fifteen prior commitments.

One had had seventeen prior commitments.

One had had twenty prior commitments.

*Improvements Needed.*—The female wing should be immediately enlarged. A greater number of cells is required to avoid overcrowding, with all its attendant evils. Also better workshops for the women are needed, and more store room. All these advantages would be secured by the enlargement proposed.

We have already spoken of the urgent necessity of making provision for a full supply of water. This is demanded by considerations as well of safety in case of fire, as of the convenience, comfort and health of the establishment. It is believed, as we understood, that the city of Rochester will procure for itself a supply of soft water from Hemlock lake. If this idea should be carried out, the main pipe will pass the penitentiary on its way to the city, in which case the necessary supply for the prison can be readily obtained. But in any event, this matter imperatively requires early attention.

*Religious Instruction*—The chaplain of this institution is the Rev. Samuel Luckey, D. D., a distinguished and venerable minister of the Methodist church. Almost an octogenarian, he still labors for the moral and spiritual welfare of the fallen in the penitentiary, the unfortunate in the county insane asylum, and the paupers in the county almshouse, with a zeal and diligence worthy of a man in the prime and vigor of manhood. He preaches in these three institutions every Sabbath, and performs a large amount of pastoral labor in addition. It is the conviction of this excellent and laborious servant of God, that he is not less useful in his present field of labor, hard and unpromising as it seems, than in any previous part of his service as a christian minister, though it has been his fortune to preside over large pastoral

charges, and to conduct, as editor, the most widely circulated religious journal in his denomination.

It is the custom of Dr. Luckey to visit the penitentiary, in his official capacity, three times every week. One of these visits, of course, is on the Lord's day, when he holds a religious service in the chapel at eight A. M., for the benefit of the inmates, continuing for about an hour. At the close of this service, he spends an additional hour in pastoral labors, going from cell to cell, conversing with the prisoners, instructing and exhorting them, and distributing tracts and religious papers. These tracts and papers are collected from one set of convicts, who have read them, and re-distributed to another for the same purpose, till they become unfit for further use. The prisoners, knowing the disposition to be made of them, are, almost without exception, careful in their use of them, so that they last a number of weeks, and pass through many hands in succession. The chaplain also usually comes twice on week days, and holds prayers with the convicts in the evening, performing more or less of pastoral duty on these occasions. On this subject, in a recent report, he says:

"The results of these labors can be estimated only by personal observation of the spirit and conduct of those for whose benefit they are performed. I can only say what has been reiterated in former reports, my own and others, that the convicts are orderly and attentive, and some occasionally appear to be seriously affected during the service at the chapel and in the hall; they seem to regard these services as a privilege, and often speak of them with interest and feeling. They converse with candor and freedom when visited at their cells, confessing and deploring the wickedness of their hearts and lives, and professing a desire and determination to reform. In most cases, they state frankly that they have been brought to think and feel more on these subjects since they have been in the penitentiary than they ever did before; and there are a number who give satisfactory evidence of having experienced a radical change of heart, such as we most rely upon as a guarantee for a thorough and permanent reformation in life."

In addition to the above, the chaplain stated to the committee that his labors were received with interest by all the prisoners, catholic as well as protestant, and that he never, in a single instance, met with a repulse.

There is no Sabbath school, and never has been, in the penitentiary. *This we think much to be regretted.* Dr. Luckey regards



the idea of a Sabbath school, though otherwise favorable to it, as impracticable, because of the construction of the prison. Much as we respect and honor the venerable doctor, we cannot help differing from him in this opinion. The chapel of the Monroe county penitentiary is constructed precisely as that of the penitentiary of Onondaga county was previous to its destruction by fire; and in this a Sabbath school was held, which was attended by every inmate of the prison. Sunday schools are held in many prisons, but always, as far as known to the undersigned, and some of us have had large opportunities of observation, in the chapels, which are nowise differently constructed from the one at Rochester, and no better adapted to the purpose. We sincerely trust that the good doctor will reconsider his opinion, and find means to inaugurate, under the auspices and with the coöperation of the authorities, this much needed reform.

The chaplain visits, as may be necessary, the sick and dying in the hospital, conversing and praying with them, and administering those offices of religious counsel and consolation which may seem proper and requisite in each case.

On the demise of a prisoner, a burial service is usually (it would seem not invariably) performed over his remains. This service consists of reading a portion of scripture, remarks suitable to the occasion, and prayer. In the memoranda, made at the time of our visit, we find it noted that such service is usually performed, if prisoners die penitent. We conclude, however, that there must have been some mistake in this entry, and that the rites of christian burial cannot be withheld on any such ground as this; and we have, therefore, given to our statement on this subject the form above written. We earnestly recommend that the rule of holding funeral services, in every case of death, be made universal. To our minds, there is something shocking in the thought of giving to a man the burial of a dog or a horse.

The bodies of deceased prisoners are given to their friends, if they have any who apply for them, means being taken to communicate to such the fact of their death. If no friends reclaim them, the remains are interred in a burying ground on the prison premises.

Every prisoner is supplied with a Bible or New Testament,—generally the former. Bibles are now made the property of the prisoner, during his imprisonment (and he is so instructed) rather *than of the cell in which he is lodged*, as was formerly the case. *Under that arrangement*, the books were, in many cases, much



abused, and sometimes quite destroyed.. Now every man is held responsible for the careful use and preservation of his Bible, the consequence of which rule is, that the books are properly treated, and there is no deficiency in the number. The supply of hymn books was not full at the time of inspection, but it was the intention and expectation, as represented to us, that it soon would be.

Prisoners are said by the chaplain to make constant use of their Bibles, and were represented as much interested in their perusal. They aver that they never before read them so much, or found them so entertaining. Dr. Luckey says, that as he passes along the cells, of a Sunday, he finds every one able to read, engaged in reading either a religious paper, tract, or his Bible.

There is no prison choir. The chapel is supplied with a melodeon, which is played by one of the matrons. The prisoners do not generally join in the singing, but a number do, who sing well. The effect of this part of the service is represented as good, especially upon the women.

The chaplain informed us that a considerable portion of the inmates of the prison, are making progress in the attainment of religious knowledge quite satisfactory to him. Those who are sentenced for short periods, do not, of course, have the opportunity, but others, whose sentences are for a longer time, make exceedingly gratifying progress. He repeated to the committee the opinion expressed in the extract cited above, from his report; that more or less true spiritual conversions take place every year; adding, that where the effect of religious teaching does not proceed to this extent, there are, nevertheless, many cases of moral reformation, the subjects of which, after their liberation, are absorbed into society, and become honest, industrious, and useful citizens.

It is the custom of the chaplain to seek an interview with each prisoner soon after his incarceration. In this conversation, he endeavors to gain the confidence and make some advances towards the heart of the prisoner, by enquiring as to his residence, family, friends, and the history of his past life, and by showing an interest generally in his welfare and improvement. On the information which he succeeds in drawing from him, he founds such counsels, admonitions and exhortations, as seem suited to the circumstances of his case. As his own residence is in the city, and not in the penitentiary, he does not always know when prisoners go out, but if he is in the prison when they are discharged, he always *converses with, and counsels* them as to their future life.

*Secular Instruction of the Prison.*—There is no secular instruction whatever—a grave, and at the same time, a short-sighted omission; a policy as injurious, in the long run, to the community, as it is lacking in kindness to the criminal.

*Prison Library.*—The library, if such it may be called, is meagre, dilapidated and of little account. Its condition and exceedingly limited extent betoken a parsimony in the county as unwise as it is illiberal, and as much opposed to sound policy as it is to the dictates of a generous philanthropy. It was a happiness to be told that it was expected and intended to get a new one in the fall. We trust that that intention has been carried into effect in the exercise of a wise liberality, and that another year we may be able to chronicle that prophecy has ripened into reality. Such books as are on hand are distributed to the prisoners weekly by the deputy and assistants. The time they have for reading is an hour at noon, from 6 to 8 in the evening and all day Sunday. Short-term men read comparatively little, and manifest little interest in the exercise; most of the long-term men are much interested in reading, and some of them are evidently growing in knowledge, improving both intellectually and morally, and laying up stores for future use. There are prisoners who say that they have read more since their incarceration than they ever did before in all their life. Sometimes books are sent by friends; these are always examined before being placed in their hands, to see that no reading of an improper kind is introduced. The influence of a good library is regarded both by the superintendent and the chaplain as very beneficial; indeed, such an agency they consider indispensable in a prison.

*Correspondence.*—Convicts are allowed to write letters once every four weeks. A half sheet of foolscap paper and a lead pencil are furnished to each by the officer in whose charge he may be; and the said officer is required to collect, in every case, all the paper given out, whether written on or not, as well as the pencil, that the prisoners may have no facilities for communicating by note. They may receive as many letters as are sent them, if of a proper character. All letters, written or received, are carefully examined. A great majority of the letters written to friends, especially by short-term men, are of little account, having reference mostly to getting out of prison. It is different with long-term men. The letters written by them are generally longer, and *altogether of a better and more sensible type.* The same differ-

ence is observed in the letters received by these two classes of prisoners. Many of the letters addressed to the latter are full of good counsels, the effect of which is highly beneficial. Advantage is often taken of the contents of such letters to deepen the good impressions made by them, and such occasions are found very favorable for exciting a good and salutary influence towards reformation.

*Visitors.*—General visitors are never permitted to pass through the shop. They are only taken to the end of the room, and allowed to look upon the prisoners from behind. Hence the effect of admitting them, it is claimed, is not injurious.

*Causes of Complaint.*—Few causes of complaint appear to exist here, and few complaints, in fact, are made. The chaplain informed us that, on the contrary, as he passes around from week to week among the men, he hears nothing but commendation of the officers and the way in which they are treated.

*Length of Sentences.*—The average of length of sentences in the penitentiary of Monroe county is much greater than it is in that of Erie county. In the latter, nearly two-thirds were sent for thirty days and under; while in the former, only thirty-two, or less than five per cent., were sentenced for so short a period. Nearly or quite three-fourths of those committed were sent under sentences of three months and over. This is no doubt a great advance on the practice of Erie, but still very far short of what is absolutely necessary, if the object proposed is reformation, and certainly no other is worthy of an enlightened statesmanship or consistent with a genuine philanthropy.

*Sanitary Condition of the Prison.*—We take the following from the report of the physician:

“The health of this institution during the present year has been reasonably good. Nothing of an epidemic character has prevailed. Still, there are at all times cases demanding the attention of the physician. Those who are confined here for various crimes are, for the most part, from that order of society which carry with them the germinal principles of disease, which, in the end, are sure to bring to light many of the physical depravities of human nature. Hence, the medical officer finds much to do in his efforts to ameliorate the condition of those who are by force of offended law placed under his care.

“Four deaths have occurred during the year; one from inflam-

mation of the bowels, one from pulmonary consumption, one from chronic disease of the bowels, and one from suicide.

“The hygienic and disciplinary condition of Monroe county penitentiary continues highly satisfactory. Wholesome and well cooked food is furnished in sufficient quantity, the apartments are kept clean and well ventilated, and strict attention is paid to the humane treatment of the convicts who, although confined within the walls of a prison, still call for the exercise of that spirit of kindness, which may cause the scales to fall from the eyes of their moral understanding.”

### 3. ONONDAGA COUNTY PENITENTIARY.

The penitentiary of Onondaga county stands upon a hill, within the limits of the city of Syracuse, but beyond the range of private residences, and one mile distant from the post office. It commands a fine view of the city, the surrounding country and the adjacent lake of Onondaga. In point of salubrity, no location could have been chosen for a prison superior to this.

Mr. Levi Pitts, the present superintendent, informed the committee (at least so it is recorded in their memoranda), that the grounds belonging to the prison contain twenty acres; but his predecessor, Mr. Baum, had stated them to a previous committee at thirteen acres. We are unable to say which of these statements is correct. But there can be no doubt that the farm, worked wholly by prisoners, is in a high state of cultivation, and yields, for its size, a large return.

The main building and work shops of this institution were destroyed by fire three years ago. We felt called upon last year to speak in terms of censure of the dilatoriness of the county, in erecting new buildings to replace those which had fallen a prey to the flames. We feel a sincere pleasure in reporting that, at the time of our visit this year, the new buildings had been erected, and were approaching completion.

The entire structure now consists of—1. A central building; 2. Two wings (male and female wards); 3. A two-story work shop—all of brick and substantially built.

The new centre building is 48 feet front by 60 deep, and has three stories, besides the basement. The basement contains the family kitchen and dining room, two bath rooms, one for male and the other for female prisoners, store room for prison supplies, *furnace room*, large prison kitchen, and prison laundry. The first

story above the basement contains, besides sundry apartments for the family, a matron's room, a reception room for visitors, and the general prison office. The second story, in addition to family rooms, has a hospital for males, with a dispensary and store room attached, and the same for females. The third story, besides four bed rooms, contains a spacious prison chapel.

The old prison had only one wing—that for men, while the women were very inadequately accommodated, being huddled together most uncomfortably and to their great demoralization, in the main building, in which the superintendent's family resided. In the prison as reconstructed, there is a female cell-house corresponding to that for the men, which escaped the ravages of the fire, and which for the last three years has furnished all the accommodations there have been for prisoners of both sexes. The two wings which were both included in the original plan of the prison, (but the plan was never carried out till since the fire), are of the same dimensions, being each 100 feet long by 60 feet wide. There are 104 cells in the male ward, each being eight feet long, four feet wide and seven feet high. A spacious, well aired corridor surrounds the block of cells. Very unwisely, we think, only a part of the cell block has been constructed in the female wing, as the whole was not likely to be wanted at once. This plan of partial erection for the present was adopted for the sake of economy; but it will prove a costly economy in the end, as much of the expense of preparation, scaffolding, &c., will ultimately have to be incurred again.

The workshop, erected two years ago in place of the one destroyed by fire, is 112 feet long by 25 wide, and two stories high. The prisoners of both sexes continue to work together in the lower story, as described in last year's report, in full view of each other, and all under a male keeper; an arrangement every way most objectionable. The upper story, however, was not, as last year, empty. It was occupied by the family of the newly appointed superintendent, temporary apartments having been constructed there for their accommodation. It is to be hoped, and we understood the superintendent to say that such was the intention, that when the new prison buildings shall have been completed and occupied, which is presumed to be the case at the date of this report, the men and women will work in separate rooms, each under overseers of their own sex, and that thus the scandal of mingling *the sexes together*, both in their labors by day and their

imprisonment at night, will be abated. Under the state of things existing since the fire, this has been, to some extent, unavoidable, and therefore excusable; but, with the completion of the new structures, it will no longer be either the one or the other.

As the new buildings were not ready for occupancy at the time of our visit—as we found the penitentiary in much the same state of derangement and demoralization, in consequence of over-crowding and the commingling of the sexes, as described in our last two reports—as we have been unable to obtain the statistics of the year ending September 30, 1866, though repeated applications have been made for the tables in which they are embodied; as Mr. Pitts had but recently entered upon the office of superintendent, without previous acquaintance with its duties, and had hardly become warm in the place; and as we hope that, 'ere the time arrives for another inspection, the institution will be in full and successful operation under a new and improved *regime*;—we forbear entering on any detailed report for the past year.

We cannot, however, wait till another year to utter our earnest protest against the punishments employed in this prison. The only modes of punishing mentioned to us, as at present in use here, are bucking and yoking. We have a horror of both. We consider them barbarous and cruel, particularly the former. Would the gentle reader know what bucking is? It consists in tying the wrists together with a rope; then bringing the hands, thus bound, down in front of the knees; passing a stout stick between the legs and arms in such a way as to double up and bind the body, as it were, together; and suspending the subject in the air by placing the ends of the stick on two chairs or blocks. The body is thus brought into a horizontal position with the face upward, and the head, having no support, will either hang down or must be held up by the sole force of the muscles of the neck. Is not this simple description an all-sufficient condemnation of the torturing process? Is it not a contrivance worthy of the inventive genius of the holy inquisition? Yet in this penitentiary it is a punishment inflicted on women as well as men! We entreat Mr. Pitts, who impressed us as a kind-hearted, humane man, and as earnestly desirous of managing the prison in the best and most approved manner, to discard both these punishments, and substitute others more in harmony with the spirit of christianity, the dictates of reason, and what we are *sure must be* the impulses of his own kindly nature. General



Pilsbury, the able and experienced superintendent of the penitentiary at Albany, in his examination under oath, was asked: "What is your opinion of the use of the yoke, or crucifix, and the buck, as instruments of punishment in a prison?" To which he replied: "I disapprove of them entirely. I think them cruel and degrading; more so than any of the punishments for which they have been substituted. *I never have employed them and I never shall.*" This opinion, considering its source, is entitled to great weight and consideration. The General has been for forty-two years connected with the administration of prisons, for nearly forty of which he has occupied the position of head. We commend his view to the serious study of all who are in any way concerned in the management of the penitentiary at Syracuse—supervisors, inspectors, and superintendent.

#### ALBANY COUNTY PENITENTIARY.

It is now something over twenty-one years since the buildings of this institution were commenced, under the superintendence of General Amos Pilsbury, as agent of the building committee. This was in the year 1845. In the following year, 1846, a few prisoners were received; but the institution was not regularly organized and opened as a penitentiary until 1848, when General Pilsbury was unanimously elected by the city and county authorities of Albany, superintendent of the same; a position which he has held ever since, by successive elections every three years. Under his able and vigorous administration, the Albany penitentiary has attained a celebrity, which has made it a point of attraction and study for the whole country. Within the last six years, its character and objects have undergone a material change. On the breaking out of the great rebellion, in 1861, the building which had been previously used for a penitentiary in the city of Washington, was required for military purposes. Under the pressure of this necessity, the U. S. Government entered into an arrangement with the Albany penitentiary, by which the latter engaged to receive all the prisoners sentenced for crimes and misdemeanors in the District of Columbia, on condition of receiving the avails of their labor and a certain stipulated amount per week for the board of each. This arrangement has been found mutually advantageous. The authorities at Washington are at considerably less expense for their convicts than when their own penitentiary was in operation, and the convicts themselves are under a far better regime;



while the county of Albany enjoys the benefit of their labor, and has a very considerable money revenue from their board. During the progress of the rebellion, this penitentiary was, also, the receptacle of large numbers of prisoners of State. It is through the events and negotiations above recited, that a mere local institution has risen, in effect, to the dignity and consideration of a United States prison.

General Pilsbury, who presides over its administration, and has done so during its entire history, commenced his career as a prison officer forty-two years ago, and, with the exception of two brief intervals, each less than a year in duration, his service in that capacity has been uninterrupted to the present time, and there is good hope that he may complete a full half century in this important department of public labor. He was first appointed in 1824, at the age of nineteen, as a guard in the New Hampshire State prison, under his father, Moses C. Pilsbury, the warden of that institution, and the most eminent prison officer of that day. Here he immediately developed such rare ability in the care and management of prisoners, that, on the following year, he was raised to the position of deputy warden, the second office in the prison, and scarcely inferior in responsibility to the first. In this position he served acceptably and successfully till the close of 1826, a period of two years. In 1827, the father and son were invited to take charge of the new State prison then just erected at Wethersfield, Conn., the former as warden, and the latter as deputy warden.

Mr. Pilsbury, senior, already advanced in years, had consented to accept the wardenship for only two years, for the purpose of starting the new prison, and getting it properly and effectively organized. Having continued his service for a year beyond the stipulated period, he retired in April, 1830, and the son, then only twenty-five years old, was unanimously chosen by the board of directors to succeed the father as chief officer of the institution. This appointment, with some misgivings on account of the youth of the candidate, was made chiefly on the ground of his familiarity with the discipline of the prison, and his success in administering it, although at that time he was unacquainted with its financial concerns. Very soon, however, by his energy, his industry, his rare judgment, his courage, and his unremitting personal attention to all the duties of his office, he demonstrated to *the directors, the legislature and the public*, that his youth was

no disqualification for the responsible position to which he had been called. His administration not only sustained, but advanced the reputation which had been won for the prison by that of his father. The discipline maintained by him, though strict, and even rigid beyond what, in the present advanced stage of prison reform, would wholly meet our approbation, was nevertheless, there can be no doubt, in point of mildness, humanity, and the moral elements introduced into it, a great advance upon that practised, at the time of which we speak, in all prisons established on the Auburn plan. The distinguished commissioners from France, De Beaumont and De Tocqueville, who visited the Wethersfield prison about that time, did not hesitate, in their report to the French government, to assign to it the first place among American prisons, commending it in terms warmer than those used in reference to any other similar institution in the United States.

A difficulty occurring with one of the directors soon after his appointment, resulted in Mr. Pilsbury's removal from office in September, 1832. Charges, to the number of a half dozen or more, were preferred against him to the Legislature. The allegations were, on his own demand, thoroughly investigated by a joint committee of the body, and the investigation resulted not only in a complete acquittal of the accused, but in furnishing additional evidence of his fitness and capacity for the office. So well satisfied were the Legislature of Mr. Pilsbury's innocence of the charges brought against him, that they voted to defray all the expenses of the defence, and appropriated \$400 to re-imburse him for his loss of time in conducting it. Just nine months after his removal, that is, in June, 1853, he was reappointed to the wardenship by the same authority that had ejected him. But he found the prison in a very different state from that in which he had left it. All discipline was at an end. The prisoners passed and repassed, at pleasure, from shop to shop, communicating freely with each other. Newspapers, in which the affairs of the prison were discussed, were to be found in every work shop and cell. Traffic was freely carried on between officers and convicts, the latter using for the purpose money earned by over-work. Contractors could get little work out of the men, except as they bribed them with pastry, fruits and other luxuries, in direct violation of the prison rules. The prisoners were bold, noisy and turbulent. They openly declared, and flung into the very face of the directors, their determination not to submit to any control, unless

they were heard in the selection of a warden. Indeed, the prison was on the very verge of open revolt and rebellion.

In the midst of this state of things, Mr. Pilsbury was re-elected warden, and directed to resume the reins of government. The day before he was to enter anew upon his office, he visited the prison for the purpose of taking a survey of it, and learning its condition by actual inspection. When he came on the ground and was about to pass into the shoe shop, a kind-hearted colored convict, who had been under him before, came to him and desired a word in private. He entreated him not to go into that shop, for the men there had determined that he should not be warden, and had avowed the purpose of preventing it by murdering him, if that should be necessary to the attainment of their object. Gen. Pilsbury says that the prospect of presenting himself before men who entertained such feelings and had expressed such a purpose was by no means a pleasant one, but he felt that he must go then or never. Accordingly, despite the entreaties of the negro to the contrary, he immediately ascended the stairs and entered the room, which contained scores of men who had avowed that they would have his life sooner than that he should assume the reins of power over them. On the instant, they gathered around him in large numbers, armed with knives and hammers, and, in vociferous tones and with menacing gestures, demanded that he should immediately retire. He folded his arms, and, standing erect and self-poised in the midst of that infuriated crowd of felons, he calmly replied: "Men, I have no authority over you to-day; I shall have to-morrow; but I shall not leave this room until every one of you has returned to his bench and resumed his work." He had no weapon but his dauntless courage and the glance of his piercing eye. But they were enough. One by one, those bold, bad men went each to his bench and his work, and when order was completely restored, the brave young governor withdrew in triumph.\*

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\*The state of things in the Wethersfield prison, just previous to Mr. Pilsbury's return, reminds us of a picture published some years ago in an English periodical.

The scene is in a prison. One of the gentlemen convicts is smoking a cigar in a warm bath, while the warder brings his chocolate; another is having his hair cut *a la mode*, and the following conversation goes on between a turnkey and a convict in a dressing gown and slippers—the latter smoking a meerschaum and drinking now and then from a mug placed upon a fashionable *teapoy* at his side.

Turnkey.—"The governor wishes to know, sir, what exercise you will take to-day—whether you will pick a little oakum, or take a turn on the treadmill for a short time?"

Convict.—"Oh! give my compliments to the governor, and say to him, I shan't come out to-day; I don't feel very well."

The task of recovering the prison from the disorder and ruin into which it had fallen, both in its discipline and its finances, was not an easy one. On the contrary, it was attended with great difficulties and discouragements. But the work was achieved within a year, so that the directors, in their next annual report, declared the institution to be, in all respects, in a "prosperous condition." For a period of twelve consecutive years from the time of his re-election, that is, from 1833 to 1845, Mr. Pilsbury remained warden of the Wethersfield prison, in spite of all the adverse influences, political and otherwise, which were, from time to time, brought to bear upon him with a view to his removal.

From a report made to the Legislature of Connecticut, in May, 1844, by the directors, it appeared that, in the seventeen years it had been in operation (during three of which it was under the government of his father), with an average of about 200 prisoners, the clear profits of their labor, after defraying all expenses of every description, amounted to an aggregate of \$93,000, being an average annual clear gain of \$5,470. During this period, \$15,000 were expended on new buildings and improvements to the prison itself; \$25,000 were appropriated to the erection of county jails throughout the State; and \$43,000 were paid into the treasury of the State, and applied to the ordinary expenses of government.

These are certainly very extraordinary results; but we cannot commend the disposition made of the surplus funds, except the \$25,000 expended on the improvement of common jails. In our opinion, these would have been better expended on the intellectual and moral culture of the prisoners, and, as no overwork was permitted after the disastrous results attending it during the period of Mr. Pilsbury's retirement from the administration, in moderate gratuities, in lieu thereof, as an incentive to, and reward of good conduct and industry,—the same either to be paid to the families of the prisoners, or laid up and held as a little capital against the day of their discharge, at their own option. The surplus would have amounted, on the average, to a little less than \$30 per man annually.

In 1845, as already stated, Gen. Pilsbury was called to Albany, and from that time to the present, he has been at the head of the penitentiary in that city and county, with the exception of a brief period, during which he held the position of governor of Ward's

island, and chief of police in the city of New York. We have thought this brief sketch of his career due to the oldest prison officer in the United States, and certainly one of the oldest and most distinguished and successful in the world. We, by no means, consider the General's administration as perfect or incapable of improvement, and we shall feel called upon to criticise it, to some extent, in the present paper; but this does not blind us to his pre-eminent ability and merit in the service to which he has given, with a rare devotion, the energies of a long, honorable and useful life.

*Prison Premises and Buildings.*—These were pretty fully described in last year's report, from which we reprint the following brief extract: "The penitentiary is situated about half a mile from the Capitol, amid surroundings far more sightly than those to which convicts are usually accustomed. Twelve acres of ground, beautifully grassed, with here and there a brilliant plot of flowers, or a charming garden spot, furnish the frontispiece of this illustrative book of human depravity, and its swift following punishment. An amphitheatrical undulation of the ground in front, as regular and symmetrical as though formed by the forced pressure of an immense bowl, is a remarkable addition to the landscape, and, with the smooth and closely cut grass covering the slope, cannot fail to impress all visitors (whether voluntary or compulsory) with a great admiration of the external beauty of the prison's location. The building itself is of the castellated order, three hundred and fifty feet long and seventy-five feet in depth, including the wings, which latter contain the cells,—the centre being occupied for business and domestic purposes by the superintendent. There are few, if any, prisons in the State, whose outward appearance is so imposing and attractive."

Important improvements were in progress at the time of our visit, which are expected to be completed and ready for use in the spring. These improvements are, in brief, as follows: The main centre building is to be extended forty feet in the rear. This will double the size of the cook room in the basement, and add several rooms in connection, viz.: a bakery, bread room, store rooms, &c., &c. In the principal story the guard room will be more than doubled in size, and other rooms for the use of the officers and the family of the superintendent, will be added. In the second story the male and female hospitals will be increased

to more than twice their present dimensions, and in other respects so improved as greatly to add to the facilities and conveniences for taking care of the sick. In the third story the chapel will be so enlarged that its dimensions will be 76 feet by 48 and 28 feet high, in place of the present chapel, which is 48 feet by 36, and only 12 feet high. The elevation of the room will be effected by putting on a French roof. When finished, we have no hesitation in saying that the new chapel will be the model prison chapel of the country.

When the improvements in progress shall have been completed, it is in contemplation to make a considerable addition to the end of each wing, so that there shall be a sufficient number of cells to obviate the necessity of placing more than one prisoner in a cell, if not in all time, at least for a long time to come.

The authorities have given Gen. Pilsbury *carte blanche* to add and improve *ad libitum*, provided the cost of such additions and improvements does not exceed the surplus revenues received from the labor of the prisoners.

The drainage is good, but not perfect. The opportunity for draining is excellent, and there is no good reason why the point of absolute perfection should not be reached.

The number of cells exceeds 300 ; the exact number we cannot state. They are seven feet long, four wide and seven high, with open-work doors, two feet wide by six feet six inches high. The cell-block is surrounded by a spacious corridor. The cells are well lighted by day, and at night sufficiently lighted by gas to enable all the prisoners to read by sitting near the door. The gas is kept burning full head on till 7½ o'clock P. M. in winter, so that the prisoners have about two hours for reading.

There are three modes of heating, viz: partly by furnace, partly by steam, and partly by coal stoves. The prison is kept comfortable in the coldest weather.

The ventilation is very fair, much better, to say the least, than in most American prisons. There is a ventilating tube from each cell, terminating in the roof. The wings are well provided with large windows, and there are circular holes in the wall near the floor, similar to those already described in the penitentiary of Monroe county. The windows are kept open both above and below, in winter as well as summer. This, after all, is the best ventilation; for there is nothing that keeps a building so pure as abundance of fresh air direct from the heavens.



Water is supplied from the city waterworks, and from two cisterns. There is a short time in summer when the water is not of as good a quality as it is during the rest of the year. The supply is sufficient for all ordinary purposes.

There is a large bathing room for the men, containing eight bath tubs. All are required to bathe once a fortnight. Most of them regard it as a luxury; a few reluctate against it. In the female ward there is a bath room with two tubs. They are required to bathe once a week.

*The Prison Staff.*—The prison staff at present consists of a superintendent, deputy superintendent, physician, chaplain, clerk, hall keeper, eight overseers or assistant keepers, six watchmen, and three matrons.

*Government.*—The supreme governing power of this penitentiary is lodged in the mayor and recorder of the city of Albany, and the board of supervisors of Albany county, in joint meeting. Intermediate between the supreme power just named and the authority charged with the immediate administration of the prison, is a board of three inspectors. These are appointed, one each year, by the mayor, recorder and supervisors, in joint meeting; two of them must be from the city, and one from the country.

The superintendent of the penitentiary is appointed by the joint board, as above explained; the physician and chaplain by the inspectors; and all the subordinate officers by the superintendent. These hold their positions solely at his pleasure, the absolute power of appointment and removal being in his hands.

Beyond the functions already stated as appertaining to the inspectors, they visit the penitentiary as a board, once every three months, examine and audit the accounts of the superintendent, and examine into the general condition and management of the institution. Individually, they visit the prison at their pleasure—sometimes weekly, sometimes monthly—in general, the superintendent says, not so often as he would like to have them.

Party politics have never been a disturbing element in the administration of this prison. From the very first, Gen. Pilsbury declined to accept the position offered him, unless politics should be excluded from any and all influence and control over its government. And this understanding has been faithfully observed ever since, by all the parties to it. As a proof, it may be stated that the majority of the appointing board has been about half the time



of one political party, and half the time of the other; and yet Mr. Pilsbury has been eight times chosen to the office of superintendent by a unanimous vote. In appointing his subordinates, the superintendent never inquires into the party creed of any one who applies for a position in the prison, and of course he never removes an officer on any such ground. He knows nothing of politics in the administration of the penitentiary. There are officers now with him, who have served eight, ten and twelve years; and he always retains a good officer just as long as he is willing to stay. He avows, that without being a politician, he has his own political views, that he holds them firmly, and acts upon them conscientiously, in the sphere to which they belong; but he declares that as a prison officer, he ignores the whole thing. He attributes the success of the institution, in great measure, to this utter repudiation of party politics from its government and administration, and believes that its history would have been very different, had this influence, healthy and beneficent, when confined within its proper sphere, but always pestilent and often disastrous when it reaches beyond that sphere, been permitted to obtain a controlling power over its affairs.

*Discipline.*—As would readily be inferred from what has been said of Gen. Pilsbury in our sketch of his career as a prison officer, the discipline in the Albany penitentiary is strict and inflexible. In passing through the work shops and viewing the men at their labors, one seems to be looking at machines rather than at human beings, so regular, steady, uniform, and apparently almost unconscious are all their movements. Many admire this precision, this absolute mastery of one human will over such a multitude of others; and no doubt, in themselves considered, this power and its results are worthy of admiration; especially when it is considered that they are attained almost wholly by moral agencies, as very little physical force is employed, and not an officer in the institution, at least of those in immediate charge of the prisoners, from the head down, ever goes armed. But the impression which the system makes upon us is not, we are constrained to acknowledge, an agreeable one. It is too hard, cold, unsympathetic, repressive. It works against rather than with nature, and therefore, so far as the higher end of imprisonment—reformation—is concerned, it must work to a disadvantage, and must consequently often fail where a more kindly and natural system would succeed. And yet

General Pilsbury possesses one of the kindest and most tender natures we have ever met; though this is united with a firmness of will and a tenacity of purpose that know neither change nor wavering. These qualities, in combination, probably afford the true solution of the fact that, in the earlier stages of his prison administration, his methods were more considerate and humane than those commonly adopted in prisons on the Auburn plan; while, in the later periods, they retain a rigidity and rigor which have elsewhere yielded to the growing conviction that prisoners, as they still retain, though fallen, all the attributes of our common humanity, must, without allowing ourselves to give way to the impulses of a sickly and feeble sentimentalism, be treated more like other men, if we would win them back to goodness and virtue.

But, despite his vigor of will and firmness of purpose, there can be no question that Gen. Pilsbury has, within the past few years, yielded not a little, in point both of conviction and practice, to the milder ideas of the times in respect to prison discipline. The dietary of the prison, by the testimony of the physician as well as of himself, has been greatly improved of late, particularly in the way of furnishing to the prisoners a supply of fresh vegetables in their season, whereby their health as well as their comfort have been greatly promoted. The chaplain of the institution, the Rev. David Dyer, on whose declaration the most implicit reliance may be placed, testifies: "In the course of ten years, I think I can truthfully say that I have not heard more than a score of prisoners utter a complaint of any kind." For a number of years past, the General has regularly attended all the chapel services; and sometimes, though rarely, on these occasions, he addresses the prisoners in a very kind, persuasive, paternal manner, much to their gratification and advantage in many ways. He placed in the hands of the committee a large package of letters received from discharged prisoners, which we read with gratification as well as interest. They all breathe an excellent spirit, and bear testimony to the kind care and attention bestowed upon them, during their incarceration, by the superintendent and his family. We subjoin two as a specimen of the whole, regretting that we have not space for more. The first is from an illiterate, the second from an educated convict.

“——, August 16, 1866.

“*Dear Sir*—I was an inmate of your institution [the Albany

Penitentiary] for 20 months. I was pardoned out on the 4th of July last, and, Sir, I thank God, that I was there ; for it has made a man of me. I am a sailor ; I was in for deserting from the navy. I led a wild and reckless life. Before I went there, I had no respect for myself nor any one else. O what a blessing it was that I went there, for I experienced the great change there, which Christ spoke of when he said, 'Ye must be born again.' O Sir, the joy that I felt in that place, when Jesus washed my sins away. O, if every one found such a blessing as I did, that go there as prisoners, they would say with me that they never knew what happiness and joy was, till they found it in prison. Sir, I thank you with all my heart for your kindness to me and all others who are under your charge. I remember last thanksgiving day the kind and encouraging words which you used to us. You spoke to us as a friend and father. O Sir, my heart was full whilst you were addressing us ; and may God bless you, Sir, in this world and the world to come, is my prayer.

"Dear Sir, I find that religion is good out of prison as well as in prison. I find pleasure now in going to prayer meetings and church, more so than ever I found in rum mills and other places which sailors resort to when they get on shore. I have been to sea on a short voyage since I got my liberty, and now I intend to go on a long voyage as soon as I can get a ship. I think I shall be able to go to sea again next week. Give my love to Mr. Dyer. Accept the love and thanks of your humble servant,

November 20, 1866.

Gen. AMOS PILSBURY, ALBANY, N. Y. :

As I was well aware, my natural sensitiveness would not allow me to express to you, personally, how grateful I am for your many acts of kindness to me during my confinement in your institution, I take this method of returning you my sincere, my most heartfelt thanks for each and every kind word and act that has been so overwhelmingly bestowed upon me by yourself and family. Words are inadequate to express but a small portion of the gratitude I feel, for my imprisonment, as far as yourself and family were concerned, was more like a residence among kind friends than a compulsory confinement. The publicly expressed gratitude of my whole life will be but a poor recompense; but as you know it is all I have to give in exchange, I know your heart but too well when I say that I feel it will be accepted as a full return.

A regularly hired official might be proud to boast of the confidence you have reposed in me; what, then, can I say in regard to your confidence towards me, both public and private? Simply nothing, except to reiterate to you how proud, how justly proud, I am to be the recipient of them.

That I am not insensible to the kind wishes, expressed in my behalf by lady P., I believe you are aware. Pray convey to her the assurance of my deepest gratitude for the kindness, sympathy and advice so generously bestowed upon me, and of my determination to endeavor, with my whole strength, to profit by them in the future.

You will no doubt be glad to know that, amid all my anxieties, I have hitherto refrained from "the cup." In fact, I have not touched a drop of whiskey since I left you, and have refused innumerable invitations to imbibe. Please direct me as before, care of ———.

That the Almighty Being, in His infinite mercy, may ever bless and protect yourself and family, will be the constant prayer of

Your most sincere and devoted servant, ———.

On General Pilsbury's strong indorsement and recommendation, the author of the foregoing letter obtained employment, in a position of some responsibility, under the government at Washington, where he has been doing well ever since his discharge.

Prisoners, on their committal to the penitentiary, are not kept for any time in solitary confinement, but are put immediately to work, previously to which, however, the rules of the institution are fully explained to them, either by the superintendent or his deputy. Every man is given distinctly to understand that the rules are rigid, but that if he obeys, he will get along pleasantly. Not only are the rules explained, but their rectitude and necessity are set forth and strongly impressed on every convict. As a matter of fact, three-fourths to seven-eighths of the prisoners do obey cheerfully and fully, and are never subjected to punishment or admonition.

The superintendent claims that reason, justice, firmness, uniformity and humanity are the foundation principles on which the discipline of the penitentiary is conducted.

The commutation law, in the main, is found to work well. On prisoners, however, who are sentenced for three years and over, it *does not operate as powerfully* as upon others with briefer sen-

tences. They all know the amount of time which they have earned by good conduct, and it is very seldom, indeed, that any portion of it is forfeited by subsequent bad conduct.

No further privileges or indulgences are allowed on public holidays than as follows: On the day of annual Thanksgiving, public religious services are held, and a good dinner is provided for the prisoners. A better dinner than usual is also given them on the Fourth of July.

The ordinary punishment is the dark cell with short rations, but this is seldom continued over night. Showering is resorted to in the case of men, the subject being always in a standing position to receive the water. The lash is also held in reserve as a last resort, but it is very rarely found necessary to use it. In all cases, punishment is immediately suspended on promise of obedience. Tobacco is given as a reward for good conduct, and, of course, when it is withdrawn, it is felt as a severe privation.

All punishments are recorded.

The most common offences are attempts to communicate and making noise.

The power of punishing is confined to the superintendent and his deputy; and even the latter never punishes without reporting the case to the superintendent, when he is present.

The rule of silence is very rigidly enforced in this prison, except where prisoners are duplicated in the cells, which has often of late been a necessity. In such cases, no attempt is made to enforce it with strictness. Except in these cases, it is not believed that communication between prisoners can be carried to the point of mutual contamination.

Whenever prisoners have, or conceive that they have causes of complaint against officers (though this is very seldom), they are always at perfect liberty to bring their complaints to the superintendent. In the investigation of such cases, the statements of the prisoners are always patiently heard, and the proper weight is given to them.

The parti-colored prison dress and lock step are in use here. A portion of the prisoners dislike these usages, and feel degraded by them; their self-respect is wounded thereby; but the majority have no such feelings.

Almost all the prisoners from Washington are looking for pardons, and a portion of the others have the same hope. This hope is found to produce a restless and uneasy state of feeling in the convicts, and interferes with their reformation. It would be

better (so thinks General Pilsbury) for the interest of the convict, as well as for the discipline of the institution, if the prerogative of pardon were more sparingly exercised. By the Governor of the State, the character and conduct of the convict during his prison life are inquired into before granting a pardon; by the President of the United States, never.

The introduction of general visitors is not regarded as prejudicial to the discipline nor as being otherwise injurious, inasmuch as they are never taken through the workshops, but are simply admitted at one end, and only look upon the backs of the prisoners.

*Number of Convicts and their Employments.*—The number of convicts in confinement at the time of our visit was 523, viz.: 437 men and 86 women, of whom 183 were colored. Most of the colored prisoners come from Washington. About 400 were employed on productive labor. The rest, with the exception of some twenty or thereabouts, who were cripples and invalids, were employed in various ways in the interest of the penitentiary.

A very considerable number of the inmates of the prison served as soldiers during the late civil war; the exact proportion we were unable to ascertain, here as elsewhere.

*Causes and Classes of Crime.*—Strong drink is here, as everywhere else, the most active producer of crime. The crimes most prevalent are larcenies, assaults and burglaries. Crimes of violence have increased since the war.

*Safety.*—The only security here is vigilance. The prison itself is weak, and it has no walls. Nevertheless, there have been but two or three attempts to escape during the whole history of the penitentiary. There has never been an escape from inside; one or two have slipped away while engaged at work outside. It is a remarkable fact that, during the entire career of Gen. Pilsbury as a prison officer, now over forty years, he has never had a solitary escape from within the prison, and not half a dozen from without.

The warden of one of our State prisons, after spending a day at the Albany penitentiary, remarked to the superintendent, at its close, that he had discovered the secret of his success. "Ah!" replied the General, "what do you conceive it to be?" "It is simply this," said the warden; "you have no fear of being removed by politics, and you do not think either of resigning or dying." We will venture to suggest another element of his success. It is this: *he is never absent from his post.* Year after year passes away without his sleeping away from the prison a solitary night.



If there ever was a man thoroughly devoted to his business, and whose whole heart and soul were in his work, that man is Gen. Pilsbury.

*Hours.*—The prisoners rise at five in summer, and at daylight in winter. They retire to bed at 7½ the year round. In summer they breakfast at 5½, and in winter early enough to get to the shops as soon as they can fairly see to work. They dine at 12 all the year, and they take their supper in summer at six, and in winter at sunset. They work about nine hours a day in winter, ten in spring and autumn, and eleven in summer, making ten throughout the year.

*Dietary.*—The provisions supplied to the prisoners have been better in quality, more abundant in quantity, and of greater variety the past year than ever before. All supplies are purchased for cash, and of course upon the best terms.

*Instruction—Religious and Secular.*—The present incumbent in the office of chaplain to this institution, is the Rev. David Dyer, who also holds the position of Superintendent of the Albany City Tract and Missionary Society. Mr. Dyer has served the penitentiary in the relation of chaplain for the last eleven years. He is a gentleman of much ability and learning, and a minister of earnest and devoted spirit, who enjoys in a high degree at once the respect of the officers and the confidence and affection of the prisoners. He is, emphatically, "the right man in the right place," and the only thing to be regretted is, that his time and strength are not wholly given to his prison work, and not only so, but that this work is made quite subordinate to that of his other office, to which his thoughts and energies are mainly devoted.

Mr. Dyer at present preaches twice every Sabbath morning, viz., once to the men and once to the women, and twice a month he holds three services. Besides these public offices, he visits at his cell and converses with every male prisoner once in the course of each month, devoting at least an hour to this work every Sabbath after public service, and as much time during the week as may be necessary. Whenever any female prisoners desire conversation with him, they indicate their wish by remaining in their seats after service. Quite a number have done this, particularly of late. These labors (the chaplain reports) are uniformly received by the prisoners, both male and female, with cheerfulness and gratitude.

When the new chapel is completed, it will not be necessary to



hold more than one service, as all the prisoners can be accommodated at the same time, which is now impossible, the women being placed in a galley so constructed that neither sex will be able to see the other. This will, happily, give the chaplain more time for pastoral labor.

Sick prisoners are visited in the hospital, prayed with and suitably instructed and counseled at least once a week.

There is no Sabbath school in the prison, nor any daily service of prayer. Both, judiciously conducted, would no doubt be effective instruments of good ; and in this view, as the committee understand, the chaplain himself cordially concurs. With the operation of both, the superintendent must be well acquainted from his experience as warden in the Connecticut State prison. It is to be hoped, and the committee would certainly earnestly recommend, that on the completion of the new chapel a Sabbath school will be instituted, and the voice of prayer be daily heard by the inmates.

No burial service is performed over deceased prisoners; another grave omission. Such service appears to us imperatively required by considerations of christian propriety, and still more by those connected with the highest interest of the surviving prisoners. A few suitable words, tenderly addressed to the comrades of the departed, and a brief petition for a blessing to be vouchsafed in connection with the occasion, could not fail to make, at least for the moment, a solemn impression upon many minds ; and, in some cases at least, it might be reasonably hoped that such impressions would be permanent.

The remains of the dead are always given to friends, when reclaimed by them ; otherwise, they are buried on the prison premises.

All the inmates of the penitentiary are provided with bibles by the Albany county Bible Society. They are also all furnished with hymn books. The prisoners make much use of their copies of the Scriptures ; often express a lively interest in their perusal ; and frequently ask questions growing out of their contents.

There is no prison choir. The chaplain himself leads the singing, and the prisoners very generally join in it. He considers the influence of sacred song upon these fallen men and women highly beneficial, as tending to soften their feelings, to elevate their moral tone, and so to co-operate in the work of their reform.

*Religious tracts* are freely distributed among the prisoners, not

less than 3,000 to 4,000 being so used every year. Of the American Messenger and Tract Journal, 100 copies are given out monthly,—fifty of each.

Many of the convicts, Mr. Dyer thinks, are making good progress in religious knowledge, and he firmly believes that not a year has passed during his incumbency, in which there have not been some cases of genuine conversion; proof of which, entirely satisfactory to himself, is afforded by intercourse with them while in prison, and by letters from and reports of them, received after their discharge. But even when the gospel does not take effect to the extent of working a saving work, he has—so he states—abundant proof that moral reformatations do continually occur. At the same time, it cannot be disguised that that happens here, which happens in every other prison in the United States (unless possibly, the eastern penitentiary at Philadelphia may be an exception), viz., that *reformation* is not the regnant object and spirit of the institution; although, at the same time, Mr. Dyer is quite convinced that the aim in this respect has decidedly improved within the last five years; and this has been particularly the case since the superintendent has habitually attended the main chapel service on Sunday morning, which has been the case during the period named.

The general conduct of the prisoners, as far as it falls under the notice of the chaplain, he reports as good, and this is especially true of their demeanor during divine service. He says that it is a real pleasure to preach to them, for that every eye is fixed upon him, and every ear attentive to his utterances. Conversations afterwards held with them, show that they give their minds to what is said by the preacher.

The chaplain is not accustomed to have special conversations with the prisoners, either on their reception or their liberation—an omission much to be regretted, but necessarily resulting from his non-residence at the prison. Great good might be effected by such interviews, and it is our conviction that it should be made a part of the regular duty of all prison chaplains to hold them. It is of the utmost importance that the best counsels should be given to convicts, both on their entrance into, and their departure from prison.

No secular instruction is imparted to the prisoners here, an omission which we grieve to record. Nevertheless, all prisoners who so desire, are furnished with spelling books, and quite a num-

ber; especially of the colored convicts, learn to read, and take great pleasure in learning.

The prison library contains some seven hundred volumes. Books of a general religious tone and character predominate; next comes history, biography, &c. There are a few scientific books. The privilege of the library is greatly prized, and the books are much read. The books are exchanged every Sabbath morning. The prisoners have considerable time for reading, viz.: an hour at noon, except what time they are eating; from 6 to 7½ in the evening, and all day Sundays. The chaplain regards the library as an excellent aid to other reformatory agencies, but thinks, and in this opinion we concur with him, that it will not do as a substitute for them, and particularly not as a substitute for the labors of a prison chaplain.

We repeat the conviction, strongly felt by the Prison Association, and expressed in former reports, that this prison should have the full services of a resident chaplain. General Pilsbury himself is of the same opinion, but he is husbanding the resources of the institution for the purpose of completing the important, and we admit, much needed improvements mentioned as in contemplation in a previous part of this report. We can appreciate this feeling on the part of the worthy General, but we cannot agree that the important objects to be gained by the appointment of a full chaplain should be postponed to any such considerations, and we earnestly trust that the purpose expressed by him to the committee of acting in accordance with his own conviction, as well as ours, may not be long delayed.

*Sanitary condition of the prison.*—We cannot better portray the sanitary state of the penitentiary during the past year than by offering the following extracts from the annual report of the physician, Dr. Barent P. Staats, who has held the position of medical officer to the prison during its entire history. Dr. Staats says:

“Hitherto the penitentiary has been, to a remarkable degree, fortunate, in respect to the health of its inmates and the visitation of the more malignant forms of disease. But during the last year we have had not only a large increase of sickness, but many deaths. The number of convicts who have died during the year is forty-three;—of whom twenty-nine were colored, and fourteen whites. Thirty-six of these were males and seven females.

“*This unusual mortality is to be accounted for as follows:*

Early in the last spring the typhus fever and small pox were brought to the penitentiary from the city of Washington, and proved very fatal, especially among the colored prisoners. We learned on inquiry that the convicts, among whom these maladies broke out, had been confined for a considerable time in an overcrowded jail at Washington. Their condition on arriving here was such that the larger number of these unfortunate people required immediate medical treatment; and nearly all were affected by languor and debility. Under such circumstances, typhus and small pox, of course, presented their worst aspects. Among the colored convicts, both diseases were marked by a degree of malignity before unknown in my experience. And this class of patients, with only occasional exceptions, almost on the first attack fell into a state of exhaustion, from which it was extremely difficult to restore them. There seems, indeed, to be a physical peculiarity in the structure of the negro that renders a recovery more slow and difficult in him than in the white man. The nervous system of the colored race is so torpid, and their circulation so languid, that their diseases seldom respond to the use of remedies, with the promptness observable, under similar conditions, among whites. In consequence of the large increase of sickness our hospital accommodations (proper) were, at times, found to be inadequate. The enlargement of the hospital, now in progress, will prevent the recurrence of a similar inconvenience. This improvement, when completed, will give to the institution a hospital of noble proportions; well ventilated, and sufficient, it is believed, for any emergency.

“The clothing and food of the prisoners have been, as heretofore, abundant and good. During the summer months, in addition to the customary rations, a liberal supply of vegetables of different kinds has been furnished to the convicts, the use of which has been attended with marked and wholesome effects.

“The condition of the prison, as regards ventilation, cleanliness and discipline, has been all that could be desired. And the kindness and attention of the officers, to the sick and well alike, deserve my highest commendations.”

There were no cases of insanity at the time of our visit, and had been none during the year, other than that of a negro, who has a wild notion that he has a pig inside of him, but, in all other respects, was perfectly sane. There had been several cases of *feigned insanity*. The method used to detect the sham, was

to employ a detective—a prisoner—one who could be trusted. He kept a constant watch upon the would-be madmen, and reported their conduct exactly and minutely to the medical officer. In this way, as it was difficult to keep up consistently, at all times, the demeanor of men afflicted with insanity, the artifice was readily detected and exposed. When a prisoner is found to be really insane, he is removed from the penitentiary to the county asylum. The magistrate issues the proper order for his removal, on an affidavit attesting his insanity, signed by the prison physician and another medical practitioner, called in consultation.

There is a good deal of malingering. The diseases most commonly feigned, are diarrhoea—detected by watching the buckets; bleeding of the lungs, the blood being produced by picking the gums—detected by examining the mouth to see if there is any blood when the patient does not cough; and rheumatism very often—detected by applying Croton oil, because, if the prisoner has the disease, Croton oil is a good remedy, and if not, he would rather go to work than suffer its effects.

Of prisoners who were at the time of inspection, or had previously been, seriously ill, a large proportion, certainly more than half, were greatly debilitated from sickness when they were committed.

Some ten or twelve cases of scurvy occurred in the summer. They yielded readily to a free vegetable diet, which has been kept up ever since.

From Dr. Staats' observation, during upwards of twenty years' service as medical officer of this penitentiary, he thinks that prisoners are more liable to lung complaints than any other form of sickness.

The average death rate of this prison, for the past ten years, has been from three to four per cent. It has been greater during the last year, from causes already explained.

The doctor thinks that none of the diseases occurring during the year were due to any peculiar circumstances connected with the prison, except the cases of scurvy mentioned above, which probably resulted from the want of a vegetable diet. This occasion of sickness has been removed by increasing the proportion of vegetables in the prison ration, and there is no probability of a recurrence of disease from the same cause.

Most of the persons committed to this prison, whether for short or moderately long terms, improve in health and gain in weight

and strength during the period of their incarceration. Very protracted imprisonment (such is the opinion of Dr. S.) cannot be otherwise than injurious both to the bodily and mental powers.

Dr. Staats' testimony is to the same effect with that of the superintendent, viz: that the showering of prisoners is very seldom resorted to; though he informed us that he is not required to be present at the administration of that form of discipline. The rule is imperative in the State prisons, requiring the medical officer to be present in all such cases. It is a wholesome rule, and should, we think, exist and be enforced wherever this punishment is employed.

The diet and treatment of the sick are entirely within the control of the medical officer; the superintendent has nothing to do with them.

Convicts are placed in the hospital by order of the physician alone, except in cases of sudden emergency, when the deputy orders it. Convicts too ill to work, but not sick enough to be confined in the hospital, are allowed to walk in the yard or halls, and they do such light chores as they are able.

### *Census of Prisoners.*

Whole number of prisoners committed during the year.. 934

Viz.: 716 males, and 218 females.

Whites, 724; Colored, 210.

In confinement at the beginning of the year..... 506

Total number for the year..... 1,440

Discharged by expiration of sentence and in other ways.. 919

Leaving in confinement October 31, 1866..... 521

Viz.: Males, white..... 284

do., colored..... 160

— 444

Females, white..... 50

do., colored..... 27

— 77

— 521

The number of commitments was greater by 42 in 1866 than in 1865.

*Nativity.*—Of the whole number committed, 566 were natives of the United States, and the remaining 368 were foreigners.



*Education.*—Of the number received, 395—nearly one half—could not read; 170 could read only; and 369 could read and write. There is nothing in the report to show to what extent the education of the last two classes had been carried; probably a large proportion had acquired but an imperfect acquaintance with the art of reading. This shows the pressing importance of providing the means of secular instruction in this institution.

*Sentences.*—The terms of sentence were six months or less for 602; only two were sentenced for terms between six months and a year; and the sentences of the remainder, 326, ran from one year to an imprisonment for life, there being two of the last named class. We cannot too often recur to the folly of so large a number of short sentences, nor too strongly express our conviction of their utter worthlessness. Short sentences can effect little or nothing towards the reformation of criminals. A long sentence, with the faithful employment during its continuance of suitable moral agencies, helps to wean them from evil associations. It gives them time for reflection upon the folly and wickedness of their past life, and more thoroughly accustoms them to the good habits enforced by prison restraint. We look upon sentences of considerable length as absolutely essential to secure anything like a general reformation among prisoners; while we regard short ones as not only quite useless, but as having a decidedly mischievous tendency.

*Social Relations.*—581 had never been married; 353 were married or widowed.

*Moral Habits.*—651 acknowledged themselves to be intemperate; 383 claimed to be temperate; but from what we know of prisoners, we presume their notions of temperance and intemperance to be somewhat confused and indefinite.

*Ages.*—195 were under twenty years of age; 388 were between twenty and thirty; 163 between thirty and forty; 114 between forty and fifty; and 74 above the age of fifty.

*Offenses of which Convicted.*

|                                     |    |
|-------------------------------------|----|
| Murder .....                        | 13 |
| Manslaughter .....                  | 4  |
| Assault with intent to kill .....   | 10 |
| Assault with intent to ravish ..... | 4  |
| Assault with intent to rob .....    | 2  |
| Assault with dangerous weapon ..... | 1  |



|  |       |
|--|-------|
| Abduction .....  | 1     |
| False pretences .....  | 2     |
| Robbery .....  | 4     |
| Burglary .....   | 13    |
| Burglary and larceny .....                                   | 1     |
| Forgery .....  | 2     |
| Attempt at forgery .....                                     | 1     |
| Grand larceny .....  | 229   |
| Arson .....  | 2     |
| Passing counterfeit treasury notes .....                     | 9     |
| Passing counterfeit fractional currency .....                | 3     |
| Counterfeiting fractional currency .....                     | 2     |
| Making and passing counterfeit silver coin .....             | 3     |
| Mutiny .....   | 4     |
| Conduct prejudicial to good order and military discipline .. | 2     |
| Violating articles of war .....                              | 1     |
| Desertion .....  | 4     |
| Perjury .....  | 2     |
| Conspiracy to murder .....                                   | 2     |
| Petit larceny .....  | 187   |
| Misdemeanor .....  | 426   |
|  | <hr/> |
|  | 934   |
|  | <hr/> |

*Finances.*—The financial administration of this prison has been an eminent success. The entire cash income during the past year from all sources, has been \$76,975.32, and the total expenditures for all ordinary charges, \$52,562.83, leaving a net gain to the institution of \$24,412.49. On this showing, an Albany paper has remarked: "We believe that no other penal institution in the country has ever made such an exhibit of practical success and profitable management." And this would no doubt be true, if there were not a material element in the result overlooked and ignored. The *earnings* of the convicts by their labor, which is all that most prisons have to depend upon for income, were only \$47,538.02, leaving a *deficit* of \$5,024.81, instead of the very large *profit* of \$24,412.49 reported, and (certainly) truly and fairly reported. Now, what is the explanation of this seeming contradiction? It is to be found in the fact that one item of income, amounting in the aggregate to \$29,437.30, consists of moneys received on account of the board, clothing, &c., &c., of

United States convicts, and of prisoners from other counties in the State, which moneys were additional to all income received on account of the earnings of said prisoners. We are quite ready to admit that most of the State prisons of our country are not self-supporting, and, indeed, in many of them the expenditures greatly exceed the income, though we do not believe that this is, in any case, owing to the fact that the earnings of the convicts are insufficient to meet the expenses, but to another and very different fact, viz., that the profits of their labor go into the pockets of contractors, instead of the treasury of the institution. In the State prison of Maine, where, during the last four years, the industries have been managed by Mr. Rice, the warden, for the benefit of the institution, the aggregate surplus of earnings over expenses for that time, with an average number of prisoners less than 100, has been from \$8,000 to \$10,000. In New Hampshire, with about the same number of prisoners, and where a portion of them, less than half, are worked by the prison, there was last year a surplus of about \$1,000. In Clinton prison, in our own State, where the contract system has been abandoned, the excess of earnings over expenditures for 1866, is reported at about \$3,000. In the State prison of Wisconsin, in which the contract system has never obtained a footing, with an average of 140 convicts, the deficit of 1866 was but a fraction over \$1,000. In Massachusetts, where all the prisoners are worked by contract, there was last year a surplus of nearly one thousand dollars. In Kentucky and Illinois, where the labor of the convicts in the State penitentiaries is farmed out to contractors for a heavy bonus to the State, and all the expenses of the prison are paid by them, a term of four or five years is enough to enable the contractor to retire with a handsome fortune, made out of the profits of convict labor. In all the above cases the labor of the prisoners is either the only source of profit, or, if anything is received for the maintenance of United States prisoners, it amounts to but little, comparatively.

This committee has no desire to detract from the just praise of General Pilsbury for his able and efficient administration of the Albany penitentiary. During a prison administration, extending through more than forty years, sometimes with and sometimes without the contract system in force, there has been, we believe, no one year in which the income has failed to meet all ordinary expenses, and for the most it has been greatly in excess; insomuch

that, during the whole period, the aggregate surplus earnings of his prisoners over expenditures have certainly been over \$200,000; and they may have reached nearly or quite a quarter of a million. This fact we believe to be quite unparalleled in the history of prison administration in this or any other country. At the same time, we are persuaded that there has been an extensive misapprehension as to the *modus operandi*, by which the extraordinarily large revenues of the Albany penitentiary during the past few years have been obtained, and we deem it both right in itself and just to the officers of other prisons, that this misapprehension should be removed. The General himself is not, in the least degree, responsible for it; for he has always told the truth in his reports squarely and honestly; and, indeed, he is quite incapable of doing otherwise.

## II. STATE PRISONS.

The Auburn, Clinton, and Sing Sing prisons were "visited, inspected and examined," as our charter requires; and, also, the Asylum for Insane Convicts at Auburn. The committee submit the results of their observations and inquiries in each, in the order in which they have just been mentioned.

### 1. AUBURN PRISON.

*Premises and Buildings.*—The premises at Auburn comprise an area of 1,000 by 500 feet, surrounded by a wall of gray stone, varying in height from twenty to twenty-five feet. This wall is a solidly built structure, and forms the principal protection of the prison against escapes; and if it were not for the unwise erection of some of the buildings inside directly against it, and in some cases extending upward to within eight or ten feet of the coping, it might reasonably be relied on for complete security. This last named objection, however, was in process of removal at the time of our inspection—some of the structures having already been taken away, and others being marked for demolition. When this much needed intermural improvement shall have been completed, there will be a clear area, of sensible extent, around the inside of the walls, which will considerably facilitate the detection and suppression of attempts at escape. There has always been offered to convicts confined in this prison a means of escape, in the presence of these buildings, so conveniently near the walls; but henceforth *they will find little to incite them in that direction.* There is

something so discouraging about undertaking to bore through six feet of almost solid stone (time and tools being in scanty supply for such enterprises), that few, except desperate convicts, are likely to look in that direction for an outlet toward freedom. Hereafter, therefore, all efforts of the kind will find themselves frowned down at the start; and, if persisted in, will furnish those who pursue them such practical "sermons in stones," as will be likely to teach patience and resignation. Moreover, the removal of the temptation to escape will, we are confident, be of advantage to the discipline of the institution, and will, to some extent, diminish the spirit of insubordination, always more or less prevalent where a hope of escape is an ever present inspiration.

The prison and its numerous connections and dependencies, in the form of workshops, &c., occupy a large part of the enclosure.

In the prison proper are 1,002 cells (six of which are of the class *unpopularly* known as "dungeons") arranged back to back, in five tiers, and occupying the two wings of the main building. These cells are not as large as they ought to be ( $6\frac{1}{2}$  feet long,  $4\frac{1}{2}$  feet wide and 7 feet high), and their ventilation, although arranged with the best intentions when the prison was built, is far from sufficient for the sanitary requirements of more modern theories. It is, perhaps, too late now to remedy this defect, and even if it were attempted, the inmates of such institutions invariably manifest so much repugnance to fresh air, that they would probably neutralize the philanthropic attempt, by stuffing stoppers of some sort into the ventilating apparatus. In fact the very suspicion that the existing apertures may admit air leads to their being closed up by rags, clothes, etc., in many instances where it is absolutely certain no current of air exists.

The supply of water to the prison is abundant, and is obtained both from the Owasco creek (which runs close outside the western wall) and from a spring conveniently near. The creek water is not fit for drinking purposes, being affected by impurities; it is therefore only used for washing and bathing, while the spring supplies all the drinking water needed. There are two large reservoirs of the creek water in the prison yard, which are sometimes used for bathing, and another reservoir in the wash room, about 12 by 15 feet in size, which is designed as the regular bathing place. The prisoners are under the operation of no special rules *fixing* the time when they shall bathe, but they indulge in (or *endure*) *cleanliness*, at the direction of the physician. It is but due

to truth to say that the means of bathing at this prison are very defective, and any systematic use of them appears to be both infrequent and impracticable.

The drainage here is sufficient in amount, but not perfect in regulation. There is a large main sewer emptying into the Owasco creek, into which smaller ones from different parts of the premises discharge their contents.

The prison is heated by coal stoves in the corners of the halls, but the distribution of heat is very unequal, while such a thing as uniform temperature throughout the building, is a manifest impossibility. The previous reports of our Association upon this subject have called attention to the fact that the men in the lower tier of cells often complain of being cold, the heat having risen to the ceiling and rendering the men in the upper tier uncomfortably warm. Such a state of things is inseparable from this process of heating. The aim of the prison officers is to keep the temperature at about 65 deg., but of course this is only possible in the middle tier of cells. In summer the prison is kept tolerably cool—as is the case in stone structures usually.

In the day time the prison is well lighted by the windows, which have twenty-four panes of glass each 8 by 10 inches in size. The jambs between the windows are four feet in width. Although some of the cells are rather dark, the convicts have enough light for reading even on cloudy days. At night the prison is lighted by gas in the halls, but the arrangement of the burners and their fewness are such that only a small number of the prisoners can read by their aid. Each gallery, however, is allowed oil lamps twice a week, for about an hour after the closing of the prison, in order to afford light to those convicts who are visited by the teachers on those evenings. Convicts who do not belong to the classes of instruction are denied this privilege. In point of fact, very few of the prisoners could, if they wished or were mentally able, read at night under the existing system. This we regard as a wrong done to the inmates, which ought to be righted at the earliest practicable moment. We earnestly commend the subject to the attention of the authorities.

The cells provided by law for dangerous and incorrigible convicts, have not yet been erected in this prison. The only reason given for this omission is the absence of a legislative appropriation for the purpose. It is, in all respects, desirable that this law should be complied with, and, if the remedy lies alone with

the Legislature, it is to be hoped that no further delay will occur in providing it.

*Census of prisoners.*—At the time of inspection (August, 1886) there were 736 prisoners in the institution, which was about the average for the previous three months, but considerably more than in 1865, the average for which year was 568. The average for 1866, up to August, was 682. Your committee have since been advised that large accessions have been made to the number of inmates, as many as 872 being in the prison November third, and indications then foretokened 1,000 inmates by January, 1867.

*Prison labor.*—Of the 736 prisoners at the time of inspection, 566 or about three-fourths of the whole were employed in the service of contractors, who engage the labor of the convicts for terms of three or five years, at rates varying from forty cents to \$1.01 per day. The branches of manufacture carried on here are hames, tools, agricultural machinery, boots and shoes, and cabinet ware. In each of these departments, many specimens of superior work are finished, which would do credit to city shops. As an illustration of the extent to which the men here are (not) made to pay their own way, we may give the following table of the average daily earnings of each convict employed on contract in this prison during the past seven years:

|            | Total earnings. | No. of<br>Convicts. | Average<br>daily<br>earnings. |
|------------|-----------------|---------------------|-------------------------------|
| 1859 ..... | \$64,512 09     | 595                 | \$.34.9                       |
| 1860 ..... | 88,211 11       | 723                 | .38.9                         |
| 1861 ..... | 92,144 32       | 729                 | .40.7                         |
| 1862 ..... | 92,885 86       | 744                 | .40.2                         |
| 1863 ..... | 87,179 49       | 671                 | .41.9                         |
| 1864 ..... | 74,940 22       | 553                 | .43.6                         |
| 1865 ..... | 74,601 39       | 417                 | .57.7                         |

Of the remaining 170 prisoners not employed on contract work, about 60 are old, decrepid and physically incapable of work. The rest with the exception of the sick, are made use of by the State for the performance of such duties as tailoring, cooking, cleaning, building, or any other requirement of the domestic arrangements of the prison. Some of the men on contract are able to finish their daily tasks in the forenoon, and are then, or at least were formerly, paid by the contractors for using the rest of the time in what is called "over-work." In *this way* some of them were able to earn money enough



to support their families outside; and in one or two cases, convicts have left the prison with as much as five hundred dollars in their pockets, gained by this means. Usually, their chief incentive to over-work has been the hope of securing money enough to compensate some pardon-broker who is at work outside to manufacture sympathy and influence for the liberation of the prisoner. Almost all have this hope of pardon, and they strain every nerve to bring influence to bear, in their behalf, on the governor. It is proper to state that overwork is not now allowed by the authorities of Auburn prison, and, if practised, it must be by stealth. It was found to interfere seriously with the discipline.

In further evidence that imprisonment is not necessarily impenitence, or at least was not while over-work was permitted, we may repeat the statement made to us that one of the convicts remarked that if allowed to move about among his fellow prisoners, he would agree to raise \$1,000 in ten minutes. Of course such financial facilities are useful where an escape is meditated, or a pardon arranged for. And few if any of the convicts who get away start off on a courtship of the goddess of Liberty without plenty of money to carry them successfully through their suit.

*Prisoners who served in the late war.*—At the request of the Philadelphia Prison Society, we endeavored to ascertain the proportion of prisoners in our penal institutions who served in the late war. In Auburn we could only learn generally that the proportion was considerable, but no exact information could be obtained.

*Hours.*—The prisoners rise in summer at 5.30 A. M., and march out at 6. In winter they march out between the hours of 7 and 7.30 A. M., rising half an hour previously. They go to bed at 8 o'clock all the year round. In summer they breakfast at 6½ A. M., dine at 12 and sup at 6. In winter they take breakfast about 7.30, dine at 12 and get their supper at 4.30.

*The Dietary.*—The food is of good quality and sufficient in quantity. The bill of fare is varied in accordance with the advice and direction of the prison physician, and any suggestions made by this officer are always promptly acted upon. At breakfast the prisoners are supplied with brown bread (which is of excellent quality), corned beef, hash made of meat or fish, and coffee; at dinner, soup, beef or pork, potatoes, rice, barley and bread; at supper bread and molasses, or mush and molasses; meat is also



sometimes furnished them at night, and, when the occasion demands, the men in the foundry have lunch given them in addition to the ordinary meals. No reasonable complaint can be made of the food furnished in this prison, as several opportunities of inspection have demonstrated to the satisfaction of your committee. Monthly bids are received for the meat and flour needed by the institution. Meat is bought partly by contract and partly by open purchases made by the warden. The other supplies are procured by the warden.

*The Prison Staff.*—The staff of officers is thus composed: Agent and warden, at a salary of \$1,800; principal keeper, \$1,200; physician, \$1,200; chaplain, \$1,200; clerk, \$1,200, kitchen keeper, \$1,000; 32 keepers, \$720 each; 22 guards, 600 each; 3 teachers, \$150 each; making 63 in all. These salaries appear to your committee by no means liberal, more especially in the case of the subordinate officers, who cannot be expected to perform their arduous and responsible duties *con amore* on such pay, and few of whom could not earn a better living at outside employments. At all events, if this last remark is not true, it ought to be, or men worthy of a higher rate of compensation should be substituted and advanced salaries given them. The principle and practice of selecting men to act as prison keepers, to whom two dollars a day are an object, should be at once abandoned, and a higher grade of men selected for such positions, to whom a correspondingly higher scale of salaries could be reasonably applied. Upon this subject the Legislature might take prompt action, with the certainty of advancing the progress of true prison reform.

*Discipline.*—On being admitted to the prison, the convicts are not kept in solitary confinement for any length of time previous to their assignment to the work for which they are adapted. The rules of the prison are fully explained to each prisoner as soon as he enters, by the officer in charge of that section of the prison where he is placed at work; and the commutation law is also early made familiar to each convict by the clerk of the prison. Generally, but not invariably, the chaplain places himself in communication with the newly arrived prisoners before they are set at work.

Under the present *regime* the discipline of the prison is conducted, as far as practicable or proper, on the principle of kindness—much more so, your committee incline to think, than under *any previous management*. The effect of a discipline of this

character is manifestly good, for the vast majority of men are won over by kindness. There is, however, a small proportion—say one in fifty—of the Ishmaelitic inmates of this and similarly managed institutions, who seem unable to appreciate or recognize kindness in any form. Auburn is not without examples of this form of total depravity. Perhaps no more powerful lever in sustaining prison discipline, here as elsewhere in our State, exists, than the commutation law, whose humane provisions carry hope to the heart of every criminal not utterly depraved, and inspire him with the incentive to begin a better life, even amid the heart-sickening surroundings to which a previous lawlessness of life has condemned him. In the judgment of all who are qualified to form an opinion, this law, judiciously and equitably administered, is productive of unqualified good to the prison, and consequently, as a matter of course, to society at large. The practical interest taken by the convicts in the operation of the commutation law, and its application to their individual cases, is shown by the fact that, although they are not informed, month by month, what they have gained by good behavior, they all, without exception, keep an accurate account of their *status* under it, and frequently are so correct in their calculations as to be able not only to verify the clerk's account, but also to make corrections where errors exist to their disadvantage. The final adjudication of the time gained by the prisoners, under the law, is not made known until the approach of the day for their discharge; but meanwhile the convict is seldom, if ever, unable to post up his keeper as to the exact date when his imprisonment should terminate.

The punishments administered at Auburn are the same as when the prison was last inspected, viz: Showering, yoking, bucking, the dungeon, ball and chain and iron cap. Showering is, perhaps, the most common, and, to those who have had the opportunity to witness its administration (as your committee had during this year's inspection of the prison), it must be conceded to be a punishment abundantly severe for any offence, however aggravated. The buck and yoke rival, if they do not exceed, the shower bath in severity. But of these punishments we have expressed our opinion in a former part of this report. In obdurate cases, the yoke or buck is sometimes combined with the dungeon.

The most common offences for which punishments are inflicted, are talking and attempts to talk. The iron cap is the principal resort in these cases, and is said to be usually effective. It is

removed immediately (as indeed all punishments cease) upon the prisoner's acknowledgment of his fault and his promise of amendment. One prisoner, however, was pointed out to your committee, whose obstinacy made him wear the iron cap nearly two months, rather than make the required acknowledgment.

There is no evidence of a larger proportionate amount of punishments in some of the shops than in others, the quantity being about the same in all.

The administration of punishment is confided to the principal keeper; all inflictions are, however, under the control of the agent and warden. None of the assistant keepers are permitted to order punishments, except the iron cap, for talking in the shops.

The physician is always present at the administration of the shower bath and other severe punishments, in accordance with law, but in response to our inquiries, he reports that no evil results, so far as observed by him, have followed showering; still there have been instances where, on his expressing fear of such consequences, this form of punishment has been omitted. Nor has this officer any idea that the health of the prisoners is injuriously affected by the discipline of the institution. Upon this point your committee are content to accept the testimony of Dr. Button, in whose statements, practice and intelligence as a prison physician, full confidence may be placed.

The monotony of prison life is varied here, as in other State prisons, by a qualified observance of such holidays as the fourth of July and Thanksgiving day, when public services are held in the chapel, work intermitted, and some notable changes in the bill of fare made, such as giving the prisoners cake and other unusual delicacies.

Under the same general head of varying the monotony, it may be remarked that the prisoners are, seemingly, in full communication with the outside world, so far as either general news or family matters are concerned. However the thing may be accomplished, as a matter of fact, they are sometimes earlier and better posted than their keepers upon important public subjects of news. As an instance of this, the assassination of President Lincoln was known in the prison yard before some of the persons in the office had heard of it, and the warden was himself first informed of the occurrence by a convict, who stopped him in his rounds to tell him of it. This is a single case which illustrates the sharpness of *these men in availing themselves of every means to keep up with*

the times, while laboring under such marked disadvantages. It is possible that, under a more rigid and perfect discipline, where the other circumstances are favorable (as in the Albany penitentiary, for instance), complete ignorance and silence may be maintained among the inmates. Here, however, it is found impracticable to invent or execute a system of discipline which shall seal up the fountains of knowledge as to external events or individual interests. The permission given for indiscriminate visits of the morbidly curious public and the scheming friends of the convict (for any one can go through the institution for twenty-five cents), is, perhaps, the chief element of trouble in this respect; for those who have an object to attain can, by shrewdness and watchfulness, communicate, by letter, sign or look, considerable information to the convict in whom they feel an interest. Your committee were shown an entire suit of clothes, false whiskers and cap included, which had been dropped piecemeal, at recurring, pre-arranged visits; near the prisoner whose escape they were intended to facilitate. Of course, he had been, previously to each visit, notified when his friend would come, and where she would expect to see him. In this case, the convict successfully secreted the various articles as they were dropped near him, one by one, until, by accident, they were discovered and taken away. Dressed in this new garb, it would have been perfectly easy for the disguised convict to have passed all the keepers and guards, and thus gone out of the prison without obstruction. This very man freely acknowledged that he was in frequent and unobstructed correspondence with his "woman," who kept him fully advised as to outside matters, and in various ways fed his hopes of escape by promises of outside assistance. Although owning that one of the foremen of the shop in which he worked had been the medium of these communications, of course he would not reveal his name; and even if he had, a convict's word could not be taken as conclusive evidence, and, unless detected in the act, no foreman would be likely to be interfered with for the irregularity. Of course, the influx of visitors, whose motives and designs are mainly curiosity or something worse, is an unmixed evil, whose results are more manifest at this prison than elsewhere among our State penal institutions. Where, as here, a large proportion of such visitors are females, the effects are, beyond description, unfortunate, as may easily be imagined by those who know how fruitful and powerful an agent licentiousness is in producing and nourishing crime. The reformation of

a prisoner seems well nigh impossible, where the indiscriminate admission of women is allowed to inflame the passions of men, long kept secluded and under restraint. If the Legislature cannot see the wisdom of prohibiting the visiting of our prisons from mere curiosity, let there be, at least, an enactment compelling such visitors to remain at some point where they may themselves be invisible while gratifying their morbid curiosity upon the sad spectacle they have come to behold. As to the evil effects of the existing visiting or exhibition system, all prison officers and prison reformers are of one opinion, and its modification or discontinuance is called for by every sentiment of Christian civilization.

*Education of prisoners.*—Efforts, lamentably few and unsystematic to be sure, are made to educate the prisoners, and not without an encouraging degree of success. The first rudiments only, as a general thing, are attempted to be taught—such as reading, writing and the simple rules of arithmetic. About ten per cent of the convicts are unable to read when committed. Three teachers only are employed, to each of whom some seventy or eighty prisoners are assigned. An hour and a half daily is spent by each teacher in imparting instruction, and, under this manifestly incomplete arrangement, each convict receives his teacher's attention once or twice a week, in lessons of from three to five minutes, an arrangement absurd on its very face. Your committee would urge the substitution of a school system, which would ensure to the convict more time for receiving instruction, and in which the inspiring element of competition might have a part. But the "contract system," in this, as in every other plan for the prisoners' amelioration and reform, makes itself felt as though to paralyze every humane endeavor and neutralize every reformatory effort. Soulless contractors, who have purchased, practically, the prisoners body, do not bother themselves about his mind, and sturdily oppose any and all humane projects for his mental and moral reformation, where there is a possibility of the least loss of time in carrying them into practice. The officials of the Auburn prison are emphatic in their testimony as to the advantage to be derived from the education of the convicts and the desirability of such changes in prison management as will soonest and best secure it.

The practical effects of sincere endeavors in this direction are illustrated by an incident which occurred in this very prison. A man by the name of Michael G—— was in the institution, at the time of inspection, who had been notoriously a violent, bad-tem-

pered man, and exceedingly difficult to manage. In fact, he had once escaped through the wall and been recaptured. Previous to conviction, his only home had been the streets of New York. His business was that of a street beggar and street thief. In consequence of his notorious reputation as a hard character, the present warden, Mr. Augsbury, while holding the office of clerk, sought him out and interested himself in his improvement. Finding that he could neither read nor write, but that he would like to learn, if opportunity were afforded him, Mr. Augsbury bought for him a pictorial tract primer, and taught him his letters, and how to spell the simpler words. He made rapid progress; has learned to read tolerably well; and from the moment he began to take an interest in his studies, has been remarkably well-behaved, and has continued to be one of the most exemplary convicts in the prison. That such is the effect generally resulting from the proper education of the prisoners, there is no lack of irrefragable testimony.

There is, here, a prison library containing between 2,000 and 3,000 volumes of historical, biographical, religious and other standard works, together with a proper selection of miscellaneous books, excluding all trashy and sensational novels. Prisoners may exchange books once a week at the library, or oftener among themselves. The distribution is usually made by sending a number of books, with a list, to the keepers of the different shops, who then allow the men to make selections. When returned they are examined by the keepers, who hold the prisoners responsible for any lack of care or neatness in using them. The keepers are accredited with much kindness to the men in procuring them satisfactory books, and in furthering their desire to gather knowledge from this source. It is estimated that ninety per cent of all the convicts avail themselves of the advantages offered by the library; occupying the time gained from the day's work, and the leisure of Sunday, in perusing the books. The miserable arrangements for lighting the cells undoubtedly limit them in the further enjoyment of what most of them consider a privilege, and which, fully enjoyed, can be proved to be a most efficient adjunct in their mental and moral improvement. The chaplain of this prison, Rev. Mr. Ives, freely states his conviction that a good library is indispensable to the discipline of the prison and the reformation of the convicts, and the whole history of the prison reform movement confirms this position. When your committee add that the



only ground of complaint they found, among the prisoners themselves, was with regard to the insufficiency of light in the evening, we may fairly infer that the knowledge of a library at hand, without their having a reasonable chance to enjoy its treasures, was by them considered the harshest treatment they were subjected to. Surely there can be no economy, humanity or wisdom, in the continuance of such a state of things!

*Religious Instruction.*—Your committee were assured that all the rules relating to the chaplain, and his duties, are fully acted upon in this prison. The chaplain devotes about six hours daily to the performance of his varied duties, such as conducting or supervising the correspondence of the convicts, conversing with them in his office or at their cells, and giving them advice.

On the Sabbath, a public service is held in the chapel in the morning, and another in the hospital, for the sick, in the afternoon. Mr. Ives also preaches to the inmates of the Insane Asylum on Sabbath afternoons. In addition to these public ministrations, which the convicts uniformly attend with decorum and apparent interest, the chaplain visits many of the prisoners in their cells on the Sabbath, to converse with them on religious subjects.

There is a Sabbath school regularly maintained in the prison, of which the chaplain is superintendent, and having among its teachers several students from the Auburn Theological Seminary, and the *warden of the prison himself*. This latter circumstance is, in the judgment of your committee, an anomaly in the more modern prison history of this State, and may be taken as an indication that the institution at Auburn has a practical christian at its head. About 150 prisoners attend this Sunday school, the privilege being accorded to such as are selected by the chaplain, who issues tickets to those who by their youth or other characteristics are judged most susceptible of religious and moral influences. Many more would be glad to attend, if there were room to accommodate and teachers to instruct them.

Every convict who desires it is furnished with a Bible, hymn book and prayer book. Bibles would be placed in every cell, but for the reason that some of the prisoners would tear them up. Nearly all, however, receive Bibles, very few of the cells being without them. The chaplain reports that from half to two-thirds of the convicts read their Bibles with more or less regularity.

The Sunday services in the chapel are rendered additionally *interesting and profitable* by the presence of a prison choir com-



posed of sixteen convicts, whose voices are accompanied by a melodeon, which is also in charge of one of the prisoners. Quite generally the prisoners join in the singing, the mellowing influence of which is acknowledged by the chaplain as among the most potent elements in affecting the rugged natures of the men with whom he has to deal. Religious tracts are liberally distributed to the convicts, but no papers or magazines, even though they be of a religious character, are given them; in our opinion, a very unwise exclusion.

Prisoners who are sick are visited, instructed, read to from the Bible, and prayed with. Pains are taken, in cases of extreme illness, to notify friends of the fact, that they may be present, if they so desire, at the closing scene. No burial service, however, is held when a convict dies, and this has, latterly, been the rule in all our State prisons, greatly to the disgrace, we think, of the present prison system, or rather prison authorities of the State. The body of a deceased prisoner is delivered to friends who call for it, or sent to them, if they do not or cannot come. If not claimed, the body is given into the hands of the undertaker, who deposits it in the city burying ground, the grave being so marked as to be readily reached, in case identification or disinterment become necessary.

The chaplain assured the committee, that a goodly number of the prisoners make commendable and encouraging progress in religious knowledge, though the majority do not. Upon the whole, he thinks that the religious influences brought to bear upon the convicts are productive of good results. He entertains no doubt that real spiritual conversions do occasionally take place among them, and assured us that he knew of several who are now worthy members of christian churches, whose conversion took place in prison. In a still larger number of cases, moral reformations take place, the prisoners on their discharge, becoming industrious and upright citizens.

The chaplain's habit is—though the rule is not, as we think it should be, an invariable one—to hold special conversation with convicts both on their entrance and discharge. In the former case, he seeks to impress upon them the importance and utility of obedience to the prison rules; to convince them that their time in prison need not be wholly lost, but that they can make both moral and intellectual improvement, if they so desire; and to encourage them *with the assurance* that, though disgraced, they are not so

fallen as not to have friends who are ready to hold out to them a helping hand, if they try to do well. In the latter case, it is his custom to give them some little religious book or a suitable tract, and to try to impress upon them the necessity of living up to the good resolutions formed in prison, to avoid bad company, and to lead honest, industrious lives after their release.

*Correspondence.*—Prisoners are permitted by the rules to write letters only once in three months; but, at their discretion, the chaplain and warden relax the stringency of this rule. There is no restriction as to the number of letters the prisoners are allowed to receive, except that the correspondence on both sides is subject to the supervision of the chaplain, much of whose time is taken up with this branch of his duties. Almost without exception, the inmates write letters or procure them to be written for them. These letters usually express affection for their family and friends, and are full of good resolutions for the future; nearly all make mention of good treatment and satisfactory fare in the prison. The letters received by them are, in the main, vehicles of wholesome counsel and exhortations to repentance and amendment. The chaplain considers that the system of correspondence exerts an excellent influence on the convicts. This officer, moreover, avails himself of the contents of letters written by and to the prisoners, to enforce salutary impressions on their minds, or to deepen and render permanent and effective the counsels they may contain.

*Health.*—The sanitary condition and management of this prison, under the auspices of Dr. James D. Button, are highly commendable. In this officer, your committee consider that the State has a useful and intelligent servant, who, in his sphere, and up to the full measure of his opportunity, performs his important duties faithfully and well. The rules relating to the physician's department of the prison management are, it is believed, fully complied with, that officer being permitted to exercise the prerogatives of his position in all matters which naturally come under his supervision and control. There are disadvantages connected with the prison premises, and the existing system of prison government and discipline, which, here perhaps more than elsewhere, increase the cares and neutralize the efforts of a faithful medical officer, such as an imperfect sewerage system, incomplete ventilation, unhealthy employment of convicts, and faulty construction of some of the shops, and the fact that the almost supreme control of convicts is

vested in contractors. But so far as the circumstances of the case allow, there can be no question that Dr. Button fulfills his mission in a manner creditable to himself, beneficial to the prisoners under his charge, and advantageous to the State.

At the time of inspection, the sanitary condition of the prison was reported to be comparatively good, there being less sickness than usual for the time of year. So far as our observation extended, and from subsequent information, we should judge that the health of the inmates had been generally good through the past year. In August, out of nearly 750 men, it was found that only 10 were in hospital, and none of these were dangerously or even seriously ill. During the year ending September 30, 1866, only three prisoners have died—one, aged 77, who died of congestion of the lungs; one, aged 20, of typhoid fever and congestion of the brain, and the third, aged 57, of acute peritonitis. The most prevalent diseases during the year have been catarrhal and bronchial lung affections, with neuralgic and rheumatic attacks. From the latest report of the physician (which, under date of September 30, 1866, appears in the Annual Report of the Inspectors of State Prisons), the following figures are quoted. They will prove that the office of prison physician at Auburn is in no respect a sinecure: Number of applications to hospital for medical relief during the past year, 14,360; number prescribed for, 10,452; number of days' labor excused, 2,555; number admitted to hospital, 114; discharged cured, 111; died, three. Since the time of our visit, we have learned that the prisoners have not enjoyed as good health as in the previous part of the year.

It is worthy of mention that this prison contains, at the present time, a quite numerous class of inmates, for whose care and comfort, in a merely humane sense, no adequate provision appears to be made. These are the old, blind, infirm, lame, dumb, etc. Among them are quite a number of old cripples, who apparently are anchored here instead of being cared for in the poor-houses of the counties from which they come. These creatures are useless to the contractors, and require the time and labor of their fellow prisoners to care for them. The prison fare is unsuitable for them; the stone cells, cold and sometimes damp as they are, are not fit lodging places for them; they are emphatically *de trop* here, and if the county supervisors cannot be compelled to look after these, their unfortunate constituents, the State would do well to provide for them in an institution which better befits their con-

dition than a prison, which is expected to pay its own expenses, and where the contractor rules supreme.

As a general rule, it has been found that the prisoners at Auburn maintain a good degree of health, and, in many cases, finally leave the institution in an improved condition. This may not be asserted, however, of the long term men, who, after five years' confinement, it is observed, begin to fall off, growing less active, becoming dull and failing in general health and vigor. They appear to be worn down by toil, and present indications of premature old age. Even among the younger prisoners, serving out long sentences, this is noticed to be the fact. Most of them require spells of relief from the iron grasp of the contractor, or some variation in the character of their employment. After ten years of confinement, it often becomes indispensable that convicts should be lodged in the hospital and supplied with better nourishment than is afforded by the prison fare. These observations do not, however, apply peculiarly to this institution, but will be found equally applicable to most State prisons, where the contract system is in vogue.

The prevalence of bad habits among the men here, such as onanism and the like, is neither greater nor less than in past years, and calls for no particular reference in this report. In former reports, the Prison Association, through its committees, has borne abundant testimony upon this subject. Prisons are not the monopolists of these forms of vice, and it cannot be expected that they shall be eradicated here, while even among persons outside of prison walls, and of respectable repute, they notoriously exercise a baleful sway.

Reference has been made to the existence of unwholesome influences in some of the work-shops of this prison. In the emory wheel shop there are five or six wheels constantly in operation for polishing various metallic articles, during whose revolutions an almost continual stream of brilliant sparks is emitted by each wheel, filling the air of the room with a powdery vapor, causing an unpleasant odor; and, in some instances, visibly affecting injuriously the health of the men here employed. In the plating shop, also, the smoke and steam from the furnace are complained of by both keepers and men, as having insufficient means of escape from the apartment. An aperture in the ceiling, opening into the cupola, was made with the view of carrying off the noxious gases, but with no perceptible good effects. As a rule, there is no *systematic ventilation* in any of the work rooms.

A striking illustration of the effects of non-ventilation occurred in this prison about three years ago. During one cool night, fires were made in the stoves of the hall after the convicts had entered the cells, when the air became so foul, that about two o'clock in the morning some forty or fifty of them were found in a state of partial or total insensibility and asphyxia, some vomiting, breathing hard, &c., and they were only rescued by taking them out, dashing cold over them, rubbing them, and giving them fresh air and appropriate medicines. Twenty or thirty were unable to labor the next day. These effects were manifestly from carbonic acid gas and other animal effluvia. Since that time, before making the fires in the morning, care is taken to purify the air thoroughly by open windows and doors and other available means, but there is no systematic method of ventilation, although such a method might easily be applied, at a moderate expense, to the ultimate advantage of both health and economy.

## 2. CLINTON PRISON.

*Prison Premises and Buildings.*—It is scarcely possible to conceive of a more happily chosen site for a public institution, if sanitary advantages alone are considered, than that selected for the State prison at Dannemora, in the county of Clinton. The town itself is situated sixteen miles west of Plattsburgh and Lake Champlain, and is reached by a plank road of easy ascending grade, at whose terminus the visitor finds himself sixteen hundred feet above the level of the lake, and occupying a stand-point from which a magnificent view is easily attainable. The lake, seen from this point, seemingly belies the three hours' ride, by placing itself in appearance within easy reach, while just behind, and thence stretching far south-westward, lie, peak on peak, the magnificent Adirondack ranges, growing in the distance more and more beautifully blue. Across the lake, the eye drinks in the landscape of Vermont, whose Green Mountains proudly and grandly rear themselves as majestic symbols of the granite-founded patriotism of that noble State. In the midst of such a setting, where a brighter jewel might fitly find its congenial home, little Dannemora lurks, less known and less cared for on her own account than because she supplies the site of our northernmost State prison. Here, on a plateau of considerable extent, Clinton prison was placed some twenty years ago, to please certain of the political capitalists of this section of the State, who, owning iron mines hereabouts,

induced the Legislature to improve their property by making it the *locale* of a public institution, whose inmates might be farmed out to them for a song, under the system of contract labor, which has for years retarded the progress of prison reform in the Empire State.

The site of the prison was selected with reference to an iron mine, of considerable richness, then already in working order ; and the prison building was erected, by a detail of convicts from Sing Sing, under the superintendence of Mr. Ransom Cook, who, without losing a man, and with remarkable energy and rapidity, performed with credit to himself and economy to the State, a difficult and arduous service, which few men could have prosecuted to completion. Since its first establishment, the industrial resources and capacities of the institution have been developed in a manner which has made the Clinton prison one of the busiest hives that the drones of society were ever forced to inhabit. Until last year, contractors have had the full control of the convicts' labor, which was furnished by the State at ridiculous and all but ruinous rates, heavy deficiency bills being complacently footed every year, with the only compensatory feature that the men were kept hard at work.

In April 1865, the labor contracts having expired, the inspectors wisely decided to take the matter into their own hands, and, purchasing the machinery and appliances upon the premises, undertook the nail making business, with all the advantages of an iron mine close at hand, forges, rolling mills, nail machines, etc. The manufacture of boots and shoes, which had been previously a part of the industry of the prison, was also continued, in a limited degree, however, under State auspices. Thus, well furnished with machinery and materials, the agent and warden, Mr. John Parkhurst, has improved the opportunity to test the question whether a public penal institution cannot be made self supporting without the baleful influence of the contract system.

At the time of inspection, the average daily product of the prisoners' labor was two hundred kegs of nails, worth some \$1,200, or in the aggregate \$375,000 per annum. This, too, in addition to the amount of domestic work done for the prison itself, which is always considerable. To accomplish all this vast labor—superadded to the supervision of the prison proper—it is evident that peculiar tact, talent and energy are required on the part of the *agent*, and these, in the judgment of your committee, are possessed



by Mr. Parkhurst in an eminent degree. And, unless all signs fail, the results of the change from the contract system will make this prison not only a self supporting institution, but a source of permanent revenue to the State. In former years, and under the grasping selfishness of the contractors, the State has enjoyed the equivocal privilege of paying from \$30,000 to \$50,000 a year as the difference between receipts and expenditures in this one institution; so that, if its self-support alone is now secured, the commonwealth will be the gainer by just this amount annually. But working the convicts profitably, constantly and to a degree that ignores their reformation, is by no means the mission of prison officers, or the object first to be considered by the State. The facts in the case are necessarily alluded to briefly in this place. Further on in this report, the contract system and the labor question will meet with fuller discussion, and evidence of a valuable and trustworthy character will be presented for the consideration of the Association and the Legislature, upon which, it is hoped, beneficent action may be based.

The prison is situated upon an almost level plot of about 200 acres, belonging to the State, 37 acres of which, enclosed within a stockade fence of twenty feet in height, furnishes the site of the various prison buildings. The drainage is excellent, all the buildings having sewerage connections with a main sewer, six feet deep and two feet wide, which conveys all the filth into a stream not far distant. The water used in the prison is of great purity and excellent quality, and in abundant supply at all seasons. It comes from the mountains which surround Dannemora, and is brought to the premises through a mile of pump-logs, and lead and iron pipes.

The prison has no bathing house nor any reservoir specially adapted to bathing purposes; there are a few bath tubs, but they furnish limited facilities for keeping four or five hundred prisoners clean, and, under the circumstances, it is not surprising that there are no rules or regulations in force respecting the systematic bathing of the convicts. This is not a creditable state of affairs, and ought to be changed with the least delay possible.

Unlike Auburn, the Clinton prison is reasonably well ventilated. Pipes connect each cell with the attic, through which, by perforations in the cornices in the buildings, a current of air is generally, but *somewhat imperfectly* and irregularly kept up. There are



openings in the halls, also, which assist in ensuring a free circulation of air. In the winter, the draughts of air are found to be so strong in some of the pipes, that the ventilating holes in the cells affected are stopped up by the prisoners as a measure of comfort.

The prison is heated by steam. Ranges of pipe, seven in number, run the whole length of each hall, and furnish a temperature much more equable than is found in similar institutions where stoves are relied on for heating purposes. The prison can be heated at all seasons, and with great convenience, under this arrangement. In winter, the temperature of the building is kept at about 60° to 70°. In summer, the prison, from its location and structure, is seldom if ever uncomfortably warm.

The cell building is abundantly supplied with daylight, which enters from sixty-seven large windows in two rows on each side, (the prison is 590 feet long and 60 feet wide); but at night the lighting arrangements are miserable in the extreme. What few kerosene lamps there are only serve to make darkness visible and increase the gloom. Exceptions to this rule of darkness are made in the cases of men under instruction, life-term men and twenty year men, who have lights in their cells until 8 P.M. in winter, and until 8 or 9 P.M. in summer. The average number of inmates who enjoy this privilege is not over one-fourth of the whole tenantry of the prison. The rest, unable to see to read or do anything else, find refuge from the cheerlessness and gloom in their beds. In this particular, there should be a reform instituted at once, as we have already urged in the case of Auburn prison. There is no good reason why every cell in a prison (except those used for disciplinary purposes), should not have its own gas-burner conveniently placed over the door, and kept lighted until a certain hour every night. And where gas companies are unknown, as at Dannemora, modern inventions are not lacking with which to supply the deficiency. There are very many prisons in Europe in which every cell has its light, and the uniform testimony of all able to form a trustworthy judgment on the subject is emphatically favorable to the plan, as greatly contributing to the cheerfulness of the convicts and the good discipline of the institutions. The Empire State can well afford to inaugurate the same system in her now dismal State prisons.

The cells of this prison are 538 in number, arranged in three tiers. They are 8 feet long, 4 feet wide and 6½ feet high. The cells for refractory prisoners, called for by a Legislative enact-

ment, have not yet been erected here, no appropriation having been made an accompaniment to the law, and some \$3,000 or \$5,000 being required to erect the necessary number. The warden is desirous of compliance with the law, and believes the cells to be needed as an adjunct to the discipline of the prison, but, of course, he is powerless in the matter.

*Number and Employment of the Prisoners*.—At the date of inspection, the number of prisoners was 431, which was somewhat above the average of the few preceding months. The discharge of United States prisoners, under the President's order, has, however, reduced the population of the prison this year, as compared with 1865, 98 convicts of this class having been let loose upon the community at one time. All the inmates are employed in the manufacture of iron and in the various domestic industries of the prison. Three hundred and twenty are engaged in productive labor on State account (*i. e.* working in iron). Ninety-one are detailed as follows: Tailoring, 11; shoe-making, 8; washing, 5; carpentering, 10; blacksmithing, 3; gardening, 4; cooks and waiters, 25; hospital nursing, 4; barbers, 4; hostlers, 2; whitewashing, 3; soap boiling, 1; lamp lighting 1; tinsmith, 1; pig keeping, 1; in boiler room, 1; on State farm and yard, 10. Besides these, six were at the time sick in hospital, and 13 old and infirm, or from other causes unable to work.

*Proportion of Prisoners who had been Soldiers*.—It was estimated that 145, or about one-third of the convicts in Clinton prison, had served in the late war.

*Nationality*.—As respects the nationality of the convicts, it was found that the foreign element, for a number of years past, would average about fifty per cent. During the last year only about one-third were foreigners.

*Causes and Classes of Crime*.—Of those incarcerated here, careful investigation shows, that perhaps, seven-eighths of all, have owed their criminal inclination and acts to drunkenness. In fact, sheriffs have been known to deliver to the custody of the warden, convicts who were at the time in a state of intoxication. The majority of the inmates of the prison are serving out sentences for burglaries, assaults and grand larcenies. One young man, on being questioned as to his crime, with unusual candor, owned that he had been one of a party who had robbed an express car of a quantity of silks worth some \$30,000, of which his share amounted, on division, to about \$3,000. With considerable satisfaction

he added that the prosecutors did not succeed in getting back the lost property, and, for himself he seemed inclined to think his three years' term was, in prospect of having his \$3,000 on his discharge, simply being at service at \$1,000 a year, with board and clothes found him. Of course, a youth so hardened in conscience (he was only twenty-three years old) could not be expected to express much contrition, or utter many promises of reform.

*Escapes.*—From October, 1865, to August, 1866, there were eight escapes. One of these aspirants for freedom was driver of a team, and hid himself in a box under the cinder heap. Another was bailing water in the mine, about 3 A. M., and upon a plausible pretext got away from his keeper and scaled the stockade. Two more got out through the roof of the hospital at night, and let themselves over the stockade by a rope. The fifth was trusted outside of the fence without a keeper, and so got away. Only one of the above five men was recaptured. Three others escaped through the forge drain, but their taste of liberty was aggravatingly short, as they were retaken within twelve hours. The roughness of the surrounding country, and the standing reward for the recapture of fugitives (an escape being advertised by a cannon salute) make attempts at escape always discouraging and generally unsuccessful. The past year, however, appears to have been an exception to this rule.

*Hours.*—In summer the men rise at 5½ A. M., breakfast at 6, dine at 12, take supper at 6 in their cells, and must go to bed at 8. In winter, they get up at 6½, breakfast at 7, take dinner at 12, and supper at 4½. The men who work in the forge-rooms, however, are furnished with extra meals. And as the industry of this department of the prison knows no intermission, except upon the Sabbath and usual holidays, the workmen in the night gangs are fed at appropriate hours.

*The Dietary.*—The food is open to no objection, either as respects quality or quantity. So far as your committee could learn, there were no complaints from the convicts on this score. The rations at breakfast consist of corn bread, potatoes, beef or pork, and coffee; but wheat biscuit is provided for the night laborers and men in the forge and rolling mill. All the prisoners get wheat biscuit on Sunday. At noon the meal comprises meat or soup, potatoes and corn bread, and, on Monday's and Saturday's, beans. They have fresh meat once a week, and salt fish once a week. In their season, such vegetables as onions, turnips, beets,

etc., are furnished. For supper, corn bread and molasses or mush and molasses are dealt out. The supplies are obtained as at the other prisons, the flour and meal by monthly proposals, and other necessities purchased by the agent and warden.

*The Prison Staff.*—The officers of the prison are an agent and warden, chaplain, physician, clerk, two teachers, principal keeper, 18 assistant keepers, and 25 guards.

*Discipline.*—About the same system is pursued here as at Auburn, in respect to informing newly arrived prisoners of the rules to which they are expected to conform, except that perhaps it is not quite so regularly or so fully done as it might be. The commutation law is explained to them, and they are advised as to the loss of time incurred by transgressions. They keep account of their gains or losses under the law.

The discipline of the prison is not rigid nor harsh. In general, the treatment is kind, and kindness is the invariable rule towards all who are well-behaved. The results of such a system are found to be quite satisfactory in most cases ; but there are men sent here who are not of the appreciative sort, upon whom kindness fails to make much impression. The rule of silence is scarcely attempted to be enforced, the peculiar employment of the men rendering it impracticable. Permission is given the prisoners to talk about their work, but of course, they improve the opportunity to give their conferences much greater freedom and variety.

The punishments administered are showering, the dark cell, the ball and chain and shaving the head. A record is kept of every instance of punishment, in a book set apart for that purpose, having appropriate headings such as date, name of convict, keeper, shop, complaint, punishment, remarks. As for instance, "January 4, Thomas Jenkins, separater, destroying clothing, showered with one barrel of water."

The infractions of rules chiefly take the form of talking, fighting, scuffling and making unusual noises in cells. The punishments are fewest where the discipline is strictest. They are most frequent among the convicts working in the nail shop, where many young men are employed. The nature of the business carried on in this prison requires a strict enforcement of rules against offences, and, on the whole, the discipline may be said to be good.

The power to remit punishments rests with the warden and the principal keeper. The latter officer usually inflicts the punishments, although sometimes this is delegated to the particular

keeper in whose charge the convict is. There are obvious objections to this last named transfer of authority and responsibility, in view of which your committee cannot help condemning its practice and urging its discontinuance.

The only ground of general complaint among the inmates of Clinton prison, so far as your committee could learn, was the lack of lights in the cells at night. This occasions a perpetual discontent. But upon this point enough, perhaps, has already been said. Some of the men also (and very naturally) object to the prison dress and the lock-step, both of which relics of barbarism seem to be grafted upon our prison system to a degree almost beyond the reach of reason or humanity. As means of degradation, both deserve to be classed with the now forbidden "cat," and true progress in prison reform requires to number among its first fruits the banishment, from our penal institutions, of these objectionable features of the old regime.

*Average Imprisonment of Life-Sentence Men.*—It furnishes a somewhat curious commentary upon our criminal system that the average length of time served in prison by convicts sentenced for life, as shown by the records of this institution, is only about six years. General Pilsbury, of the Albany penitentiary, informed us that his life men did not quite reach the period of seven years, and this, we believe, as shown by statistics, is about the general average. So it seems that many of the murderers, whose death sentences are commuted to imprisonment for life, are thereby, in most cases, really punished less severely than men convicted of comparatively light crimes. Doubtless, hundreds of convicts are serving out terms for burglary, robbery and even grand larceny in our prisons long after convicted murderers, committed at the same time, have gone free by the clemency of the Governor. Under these circumstances, is it any wonder that such strenuous efforts are made by counsel to secure the commutation of the death sentence, or that every long-time prisoner of this class is buoyed up by the hope of speedy pardon? There is, however, this compensation in the matter, viz: that the cherishing a hope of pardon inspires in the prisoner's breast, or at least developes in his conduct, a disposition to behave himself so well that his prison record shall not militate against him when the question of his pardon comes before the Executive. Consequently, almost without exception, the men under long term sentences are among the best behaved in these institutions. Your committee learn, upon inquiry both here and

at Auburn, that, with scarcely a variation, a preliminary step to every pardon is a request from the Governor for information from the prison warden as to the good conduct of the convict whose pardon is solicited.

*Health.*—In respect to the sanitary condition of the Clinton prison, your committee learned that there had been but two deaths during the previous year, and that a more healthy season had never been known. In fact, as has been before stated, nothing can exceed the healthfulness of this locality, and disease has here, also, to combat the circumstance that active exercise is the rule rather than the exception with the inmates. Occasionally a man of weak constitution is affected unfavorably by the severity of the labor, but, generally speaking, the men are toughened and strengthened by the mining, forging, and other processes of iron manufacture here pursued. The physician, Dr. Joseph H. Smith, reports very little perceptible falling off in the health of the prisoners, but rather an improvement, traceable to the exercise and the change from previous bad habits. All the co-operation that the physician requires for the proper performance of his duties, is given by the agent, and the regulations respecting this officer's prerogatives and duties are fully complied with. His suggestions are treated with respect, his requisitions met, and his presence at the infliction of the severer punishments is uniform, in conformity with the rules. In these punishments, the physician interferes where there is any reason to fear ill-results.

*Moral, Religious and Secular Instruction.*—The moral culture and religious and secular education of the prisoners at Clinton are under the supervision of Rev. Mr. Canfield, the prison chaplain, who is occupied daily in the performance of his duties, and usually from eight A. M. till eight or nine P. M. The only public religious services are Sabbath school and ordinary church service on Sabbath mornings. The average attendance at the school is about 80, the men procuring tickets from the chaplain for that purpose. The teachers are mostly persons connected with the prison, although occasional assistance is volunteered by outside parties. The convicts who attend manifest a fair degree of interest in the exercises, answering questions upon Bible subjects, and discussing the Scripture narratives with considerable intelligence. The chaplain believes that this school exerts a beneficial influence, and that one of its results is a growing knowledge of, and interest in, the Scriptures. He receives, not infrequently, calls from the convicts



desiring religious conversation—a desire inspired by the teachings of the previous Sabbath.

On the death of a convict, a burial service is held in the chapel, which is attended by all the men belonging to the company to which the deceased was attached, and, unless the body is claimed by friends, it is buried in the prison burying ground, outside the stockade.

Every prisoner who can read is furnished with a Bible, and many of the men read their Bibles regularly. A few refuse the copy offered them, but afterwards some have changed their minds and asked for Bibles. Instances are not rare where men, who have never before read God's word, have become diligent Bible students, and evince quite an interest in their new course of study.

There is a prison choir, composed of convicts, who meet every Sabbath afternoon and spend an hour and a half in practising sacred music. A melodeon has also been provided. Not many of the convicts, however, join in the singing during the public service. Religious reading, such as tracts and the American Messenger, is circulated among the prisoners and welcomed by them. As a rule, there is not a very satisfactory degree of progress manifested, practically, in religious knowledge, although some of the prisoners express christian hope—in some cases with sincerity, but in others evidently for effect. The chaplain is inclined to believe that a considerable number really become morally reformed, and, when discharged, live upright lives thenceforth. It is Mr. Canfield's custom to hold a special interview with each convict as soon after his entrance as possible. He has several objects in view in these conversations. One is to make them acquainted with the rules and regulations of the prison, particularly those relating to his own department, that they may know how to avail themselves of the library, correspondence, Sabbath school, and evening lessons in their cells. Another is to learn their antecedents, to become acquainted with their social relations and domestic circumstances, to study their character, to ascertain, as far as practicable, the causes of their criminal conduct, and on the knowledge thus acquired to form such instructions, counsels and exhortations as may seem suited to each. Still another object is to let them know that if ever they want advice or assistance, he is their friend, to whom they are free, at all times, to come with their burdens and griefs. The chaplain is also in the habit of conversing with the prisoners shortly before their liberation. The



object is to impress upon them the importance of making a right start in life on their emergence from the prison; also, to warn them against their old associations, the use of intoxicating drinks, and, generally, against all the occasions and provocations to vice and crime, by which they had previously been led astray. He makes it a special point, if they are going where they are known, to show them the difficulties they must expect to meet, and to point out to them the ways in which they can best meet and overcome these difficulties.

The prisoners are taught reading, spelling and the rudiments of arithmetic. Two teachers are employed an hour and a-half each in the evening, one taking one side of the prison, and the other the other. The number assigned them varies, as they are required to teach all who desire instruction. Sometimes not more than sixty will be under the care of a teacher, while, at other times, as many as one hundred require attention. The process is a slow one, and certainly susceptible of improvement, for, on the average, a single teacher gives lessons to only ten prisoners in one evening, and thus occupies from one to two weeks in going the rounds of his class; a *modus operandi* by which each convict pupil gathers knowledge at the absurd rate of one lesson of a few minutes continuance, in every six, eight or ten days. The organization of a better system is every way desirable, and a school might easily, it would seem, be established and kept up without any material diversion of the prisoners' time and attention from the industries of the institution. Unquestionably, the proper education of these unfortunates should be a leading object in view, and its accomplishment would redound to the ultimate benefit of society at large. But the anxiety to make the prison pay its expenses jostles aside such humane ideas, and the notion that prisoners can be reformed and returned to society useful citizens is made to give way to the financial phase of the problem. Such a barbarous system is one that seems like wearing out human creatures' lives with a vengeance.

The library of the prison contains 2,443 volumes, and is increased by books purchased with annual appropriations of no great amount. The chaplain selects and takes charge of the books. The mode of distributing the books differs materially from that described as in use at Auburn. The books are given out only once in three weeks. The prisoners come in by companies and draw out two books under the rule, but when the chaplain is satis-

fied that the books will be read, he permits the prisoner to take three. They select the books from the shelves, and not by printed catalogue. This method of distributing the books is chosen because it gives the chaplain an opportunity of seeing and conversing with the convicts, he being always present to superintend the distribution.

It is believed that the convicts at Clinton take more interest in acquiring knowledge through books, and in greater proportion read what they can get, than an equal number of laboring men outside of the prison walls. Moreover, the influence of the library is distinctly noticeable in the improved discipline of the prison. It is, however, worthy of remark that here, as in the other prisons, the overweening solicitude to economize expenses and utilize the time of the inmates, robs the convict of his opportunity to cultivate the mind and remould the character; results which would naturally follow, if the advantages of a prison library and of systematic instruction were not practically denied to so great an extent.

*Correspondence.*—The superintendence of the prison correspondence lies with the chaplain, and its character, method and results vary little from the description given in the report upon Auburn prison.

*Promiscuous Visitors.*—There is happily so much difficulty in reaching Dannemora, that the visits of merely curious people are very infrequent. Clinton prison, consequently, is not subject to this annoyance, which exerts so powerful and evil an influence over the inmates of both the other State prisons.

*Condition of a Portion of the Cells.*—In concluding this part of their report, your committee feel it to be their duty to call attention to the circumstances that many of the cells of Clinton prison, at certain seasons of the year, are too cold and damp to be safely occupied. The halls are washed twice a week, and, as they continue wet a long time, the dampness is communicated to the cells, and the blankets upon the beds also absorb the unhealthy moisture, thereby causing colds, rheumatism and sickness. The men, too, often come to their cells at night, from the mine and other exposed places about the premises, with wet feet and damp clothing, and, having no provision for drying themselves, are compelled to pass the night in these cells in a cheerless and chilly atmosphere, *greatly to the detriment of their health.* In reference to this *matter, your committee prosecuted such inquiries as led them to a*

conviction that the facts are as stated, and it is to be hoped that the evil indicated will no longer be allowed to exist in what should be, in all respects, the healthiest penal institution in the world.

### 3. SING SING PRISON.

The State prison at Sing Sing was examined by the committee in the month of October.

*General Condition.*—Its general condition as to discipline, health, &c., appeared to have undergone no material change since the last inspection, unless in respect to the first item, the late revolt is to be regarded as indicative of an unfavorable alteration in the *morale* of the management on the part of the officers.

*The Revolt in August.*—Having mentioned the revolt which occurred in this prison last summer, it will be proper to give a brief account of the same. The facts were communicated to us, under oath, by Mr. Lewis H. Miller, one of the contractors, and an intelligent and reliable gentleman, who witnessed the whole scene from beginning to end. Mr. Miller traces the revolt to the laxity of discipline, growing out of the frequent changes of officers, the result of the dominating influence of party politics in the government and administration of our State prisons. The following is Mr. Miller's account of this unfortunate affair:

"A revolt of some kind had been in contemplation for at least three or four months prior to its actual occurrence. The officers had received intimations that something of the kind was in contemplation. I had myself received various intimations to this effect, but did not know to what extent the thing had been carried. Different plans had been canvassed. At one time, it had been proposed to seize a propeller that was accustomed to come to the prison wharf, to leave and take away freight. Eleven men in my shop were engaged in the revolt, and, altogether, the number reached nearly or quite thirty. Many more had engaged to take part in the proceeding; but when the time came, their courage failed them, and they backed out. The arrangements for executing the plan were concocted in the chapel, at a time when sickness prevailed in the prison to such an extent that it had to be used for hospital purposes. The plan finally determined upon was to make a break, rush past the guards, and make their escape at whatever point promised the best chance of success at the time. The ring-leaders were prisoners by the name of Stafford, King, Haste, McGowen and McMulligan. The day fixed upon was toward the

latter end of August, and the hour of the day about four o'clock, P. M. At this time, the men engaged in the revolt, rushed out from the several shops in which they were at work, and, armed with knives, chunks of iron, and whatever they could seize, made their way past the mess-room and south foundry, in the direction of the lime-kiln, which is on the southern boundary of the prison premises. I was in the warden's office at the time when Mr. Collier, the office-keeper, remarked: 'There is a break among the prisoners; Mr. Franklin, seize your pistol, and let us assist in quelling the disturbance.' Upon this, all of us, who were in the office, rushed out to the scene of the disturbance. We went to the lime-kiln, and found that some three or four of the prisoners had passed the guard-post near the kiln, having driven the guard away by stoning him. By this time, some half dozen of the guards had reached the hill-side in the vicinity of the scene of action, and were rapidly discharging their carbines at the convicts in revolt. I never saw officers behave more bravely or discharge their duty more faithfully than these men did upon this occasion. Not more than half an hour had passed before the disturbance was entirely quelled, and the men were all brought back to the shops, with the exception of one who had been killed, and another who had effected his escape. None of the guards was wounded, except one, who was somewhat bruised with a stone that had been cast at him."

*Prison Premises and Buildings.*—The premises of Sing Sing prison cover an area of 77 acres, with a front on the Hudson river of 1,419 feet. Between the river and Hudson River railroad, which passes through the prison grounds, is a space of seven or eight acres, occupied by the buildings, yards, gardens and docks belonging to the male prison. About 37 acres are used for farming purposes. The premises also contain valuable marble quarries. The female prison is a separate building, situated on the hill east of the male prison, on the other side of the railroad.

The drainage of the prison is effected by an open sewer on the surface, 2½ feet wide and 2½ feet deep, extending from the kitchen to the river, and leading into this are under drains from various other parts. There are, also, independent sewers from several of the shops leading to the river, by which means the drainage, though not perfect, is made pretty effectual. The night tubs are taken by the prisoners from their cells in the morning and *emptied into the river*, and afterwards washed out by a waiter,

and two or three times a week they are cleaned with a lime wash.

The water supply is obtained from the Croton aqueduct, a special reservoir for the prison being placed on the hill, making an unfailing source, ample for all ordinary purposes, though insufficient in case of fire, the pipe leading from the reservoir being only four inches in diameter, whereas it should be at least eight inches. In the yard are four hydrants, and water pipes running into the main prison and all the workshops, from which the drinking water is obtained in winter; but in summer it is brought from a spring on the premises, as being cooler.

This abundant supply of water has enabled the authorities to provide ample bathing arrangements, consisting principally of a plunge bath about thirty feet square and three feet deep, in which forty men can bathe at a time. During one-half the year the inmates bathe there in succession, in companies, once every eight or ten days. The water is changed daily. It should be changed with every new set of bathers. In the same room are two ordinary bathing tubs, into which hot as well as cold water can be introduced. All the shops, also, have some similar tubs, supplied, also, with both hot and cold water. The prisoners are not compelled to bathe in winter, except under direction of the physician; but all who desire it are permitted to bathe once and sometimes twice a week. There is also a pond filled with Croton water near the quarry, in which men who work there, and also those who work on the farm and in the State shops, outside the prison yard, bathe as often as once a week, when the weather is suitable.

The prison is heated by steam, generated in the kitchen boilers, and conducted through the prison by iron pipes. The average temperature of the prison could not be ascertained, no thermometers being kept in the cell building, but it was reported to us as being sufficiently high in ordinary winter weather, though in extreme cold weather it is not always as warm as it should be. The committee were unable to learn the height of the mercury in the heats of summer, but the prison is said to be the coolest place in the vicinity. There is a window opposite each cell, one foot in width and three and a half in height. The number of cells is 1200, occupying a building 484 by 60 feet, in a center block, and are arranged in six tiers. Each cell is seven feet long, three and a quarter wide and seven high.

One hundred and fifty gas burners afford sufficient light for most of the occupants of the cells to read by at night, if they stand by the doors. A few have been allowed lamps in their cells, but this discrimination creates dissatisfaction on the part of those to whom the privilege is not extended, and is the occasion of some others smuggling lights into their cells, which they abuse to other purposes than reading, such as smoking, making tea, &c. It is in contemplation to place burners enough in the hall to enable all to read comfortably, and then withdraw this privilege of having lamps from all.

*Census of Prisoners.*—The number of prisoners was, a year ago last May, 636, but there has been a constant increase ever since, the number being, at the time of the examination, 1,176, after having transferred 100 to Clinton prison within the last fiscal year, 50 of whom went two or three days prior to the visit.

*Prison Labor.*—The whole number employed in productive contract labor, was 805, divided as follows :

|  |           |
|--|-----------|
| I. G. Johnson & Co., south foundry,..... | 149       |
| S. G. Howe & Co., auger shop, .....      | 103       |
| P. Hayden, north foundry,.....           | 121       |
| L. H. Miller, file shop,.....            | 59        |
| C. H. Woodruff, cabinet shop,.....       | 104       |
| Bigelow & Trask, shoe shop,.....         | 173       |
| W. M. Sands & Son, lime shop,.....       | 4         |
| A. Walker, quarry, &c., .....            | 74        |
| I. I. Lewis, hame shop,.....             | 18        |
|  | <hr/> 805 |

Besides these, there are 371 men engaged on State labor, deducting, however, the aged, crippled and infirm, who are unable to work, and of whom the number is considerable.

At the time of inspection the contracts were all full, and had been for some time. As convicts come in, if there is no room for them on contracts, they are put at work for the State as far as possible. They sometimes have to be kept for a few days in solitary confinement.

*Prisoners who had served in the War.*—Your committee were unable to ascertain the exact number of convicts who had served in the late war, but there is strong reason to believe that the great increase in the number now in confinement is due in no small degree to the circumstances of life and the depraved habits derived from the spirit of war.



*Crimes of Violence.*—The fact is indisputable that a much larger number than formerly of persons are now sent to prison for crimes of violence. It is, nevertheless, a remarkable circumstance, that while violence has increased outside, there is said to have been less of it inside the prison than formerly, with the exception of the revolt that occurred last summer.

*Nationality of the Convicts.*—By the last report of the prison inspectors, to the legislature, it appears that at the close of the fiscal year, September 30, 1865, there were 409 natives and 375 foreigners in the prison, which is about the usual proportion between these two classes.

*Causes and Kinds of Crime.*—In the catalogue of the causes of crime, parental neglect, ignorance, alcohol and bad associations hold the most prominent rank, the chief results of which are larceny, burglary, assaults and the destroying of human life, in the form of either murder or manslaughter.

*Security.*—The insecurity of this prison is one of its most marked features. It has no enclosing wall; the Hudson River Railroad runs directly through the prison grounds, and very close to the main building; many of the convicts (150) work outside, in the quarry, lime kiln, farm and State shops, all which circumstances demand an unusually large guard, 34 in number, though no greater now than when the number of prisoners was not more than half what they are at present. The following facts illustrate the facilities for escape:

On the 7th of February last, a convict stole a key, whereby he unlocked his own cell and those of six others, (the cell doors having single locks); with a small jack-screw they shoved aside one of the window bars sufficiently to allow a man to squeeze through. They got out into the warden's garden and went down the railroad track to Tarrytown, and then turned off to the woods. One of them was captured at Tarrytown that night, and the other six in a barn at Yonkers. All were brought back. Another man escaped by secreting himself in a propeller that had come to take freight to New York; he has not been recaptured. Another escaped by getting under the seat of a contractor's wagon, when he was driving out to dinner; he was retaken. Another escaped by means of a canal boat that came alongside the prison wharf to unload lumber. While lying there, the convict took the captain's boat by his permission, and through his agency passed the guard and so made his escape; he has not been retaken. Four men



passed out of the quarry in consequence of the guard sleeping at his post; three of these were retaken. In January, one took the horse and buggy of a contractor, drove out of the yard, and went five or six miles; being closely pursued, he abandoned the team and took to the woods. He went to Boston, stole a quantity of goods, shipped them to Yonkers, was followed by the police, arrested, taken back to Boston, tried, convicted, and sentenced to Charlestown prison for five years, where he is now serving out his sentence. Another, a barber, who was shaving men at the quarry, secreted himself in a blacksmith's bellows (an old one not then in use) in a forge near the quarry, where drills, &c., are repaired; he was retaken. Another escaped from the lime kiln, through the carelessness of the guard; not retaken. Another escaped from the shoe shop, in an unknown manner, and has not been retaken. Still another escaped at the time of the revolt in August. He has been arrested for another crime in Hudson City, N. J., and is now lodged in jail there.

We have, in these events, the strongest possible evidence of the temptations offered for escape, an idea which must necessarily prevail continually in the minds of nearly all the convicts, and which is fostered by the absence of any mural restriction whatever. Were the prison premises enclosed by a suitable wall (which by the convict labor might be built at trifling expense), a very large portion of the money expended on the guard required to watch them, under present circumstances, might be saved.

*Hours.*—In summer, the morning bell is rung at five o'clock, and the prisoners leave their cells at 6½. In the short days of winter, they are rung up at 6:30, and the prison is opened at 7. All are required to go to bed in summer at 8½, and in winter at 8 o'clock. In summer, they breakfast at about 7, dine at 12, and sup in their cells at 6. In winter, breakfast at 8, dine at 12, and sup at 5; the latter meal being taken a little earlier when the day happens to be dark and stormy. The food is of good quality and sufficient in quantity. All the food, fuel and other stores are purchased by the warden at his discretion, and not by public contract.

*The Staff.*—The prison staff consists of an agent and warden, a principal keeper, chaplain, clerk, physician, three teachers, store-keeper, mess room keeper, 48 keepers, and 34 guards.

*Discipline.*—The general rules of the prison are always explained to convicts, on reception, by either the warden or principal keeper, and the special rules and usages are explained by the keepers of the shops.

With respect to the enforcement of the prison discipline, for the first one or two offences, punishment is not usually inflicted, but the violator is kindly reasoned with and advised. If he continues to violate the rules, some mild punishment is inflicted,—such as the iron cap, or one night in a dark cell. The mass of punishments is confined to very few persons. The great majority never get punished.

The commutation law has an excellent effect upon nearly all, a few only seeming to disregard it. The prisoners are not informed of their monthly earnings of commutation, but they keep the record thereof themselves, and rarely lose the time once gained, though this does occasionally happen.

On public holidays the prisoners are allowed the privilege of using their voices, by making noises and whistling in their cells, and are furnished with extra rations, such as pie, cake, apples, cheese, oysters, &c., the effect of which is said to be good upon most of them, but on some it is bad, and in such cases an increased amount of punishment is usually the result for some days afterwards.

All punishments are recorded according to rule. They consist, in general, of the shower bath, dark cell, iron cap, ball and chain, and, in cases of revolt, shaving of the head. The yoke and buck have both been discarded. Of all the punishments, the shower bath is regarded as the most severe, and head-shaving as the most disgraceful. The most common offences against the prison rules are talking, communicating by notes, and trading with each other, or with contractors' foremen or teamsters.

No one shop appears to require a larger proportionate amount of punishments than the others. The power of punishing is confined to the principal keeper, except that keepers may put men in the dark cells, and report the cases to him. The physician is required to be present at every case of showering.

Before the present year (1867) the denial of the commutation privilege to United States convicts withheld from them one strong inducement to good conduct, and with some natures it operated as an irritant. That cause of ill-feeling and disorder is now happily withdrawn by the authority of the President of the United States, who, on the representation of the facts of the case by a memorial from the Prison Association, on the 10th of December last, issued an order authorizing the application of the commutation law of this State to all United States convicts confined in *any of our penal institutions.*

In addition to this, the contract system is regarded as a cause of misconduct in many instances. Some kinds of labor in use have also a similar tendency, such as cabinet work, and others that require a large space, also the engine rooms.

In the early part of October, the powder magazine at the quarry was blown up. It contained 32 kegs of powder, 13 of which were exploded. The object was to effect escape, but no one succeeded. Some citizens clothes were found deposited in the quarry. The large piggery, containing 140 hogs was burned in July, consuming about 25 of the animals. There is reason to believe it was the work of an incendiary, but if so, he has not been discovered.

The *rule of silence*, which is imperative in our State prisons, and for the violation of which, when discovered, punishment is always inflicted, being one of the most unnatural of all the requisitions to which a human being can be subjected, it is found impossible strictly to enforce, as the prisoners are now situated. The exercise of the faculty of speech in beings endowed with sociability, is almost as natural as that of breathing, and hence the violation of the prohibitory law both by talking and by notes is of very frequent occurrence, and proceeds to such length that the communications between the prisoners are believed to be mutually corrupting; indeed, there can be no doubt of this.

Very few complaints are made by convicts against the officers, but when made all the consideration they deserve is given to them.

Sixty-two prisoners, out of a total of 346 discharges last year, were pardoned. The hope of pardon, in which all are prone to indulge, has, to a certain extent, the effect of unsettling their minds, and it is believed that it would be better for the convicts and the discipline of the prison, if the pardoning power were more sparingly used. The Executive, before exercising his prerogative of clemency, always requires from the principal officers the antecedents of the applicant, and consults them as to the propriety of extending to him a pardon.

The character of the prison building, the small size of the cells, the narrowness of the halls, the imperfection of ventilation, the lowness of the ceilings, the great number of tiers of cells, are such as impair the comfort and convenience not only of the convicts, but also of the officers in the management of the institution, and render alterations in these particulars a great desideratum.

Especially is the contract system regarded as a great obstacle to the maintenance of discipline.

*Guard posts.*—Within the past two years, several new structures have been erected for guard posts, upon an improved plan, neat and tasteful, with stoves and other appliances to make them comfortable.

*Religious and Secular Instruction and Correspondence.*—As to the religious instruction of the inmates, this is devolved solely upon the chaplain, who devotes about seven hours daily to the discharge of his duties, which comprise not only the usual pulpit services, but also the examination of letters addressed to the convicts, and the preparation of the answers, and their other correspondence.

The public services in the chapel consist of preaching at 9 A. M. on the Sabbath, in the male prison, and at 10-30 in the female; also a brief service every Sabbath morning in the male hospital, and in the female hospital occasionally. There is also a weekly prayer meeting in both prisons, every Wednesday afternoon, attended by all who desire,—the number of male attendants being from 50 to 60, who manifest much interest in the meetings, which are regarded as exceedingly beneficial. The sick in the male hospital are visited by the chaplain every day, and in the female hospital about once a week, and oftener if necessary. The prisoners are conversed with by him, on writing and library days; and, from time to time, as occasion may require, they are sent for to come to his office. They are also conversed with more or less on prayer meeting days, all of which labors are received by the convicts with interest.

In the female prison, a Sabbath school is held an hour previous to divine service, which is attended by all the inmates, with much interest and usefulness, the matrons being the teachers. Some difficulties appear to exist in the way of a male Sabbath school, which it is earnestly to be hoped may be soon overcome, as its establishment is deemed very desirable.

*A daily public service of prayer* is deemed by the chaplain very desirable; but the contract system stands in the way of this valuable practice.

Regular burial services at the grave are conducted by the chaplain, attended by two guards, four convicts, and sometimes by other officers. A notice of each death, and of the circumstances attending it, is made by the chaplain, in the chapel on the succeed-

ing Sunday, and this serves as the occasion either of brief practical remarks, or of a regular funeral sermon.

When a sick prisoner is supposed to be dying, the chaplain is generally sent for. The bodies of the dead are reclaimed by friends when desired, otherwise they are interred in the prison cemetery.

It is designed that every prisoner shall be furnished with a Bible, and also with hymn and prayer books, as extensively as desired by them. The Bibles (it is said) are read a great deal by them.

The choir of the chapel is composed of about ten prisoners, assisted by a melodeon and a base viol, both played by convicts; the congregation all join in the doxology, and to a considerable extent, also, in the hymns—which practice, undoubtedly, has a soothing, devotional, and beneficial effect.

In addition to these religious influences, each prisoner, desiring it, is given a tract when he takes a library volume. One hundred and twenty-five copies of the *American Messenger* are distributed monthly in the male prison, and twenty-five in the female department. Other religious papers are also, sometimes, given out. Under these various circumstances of public and private instruction, it is believed that quite as much progress in religious knowledge is made as could be expected.

In the judgment of the chaplain, genuine spiritual conversions do sometimes occur, and when religious truth does not take effect to that extent, moral reformatons are produced in some cases, so that prisoners once addicted to criminal habits, afterwards live honorably and respectably. These apparent results, however, have to be received with caution, for no doubt many make pretences to religious feelings for sinister purposes.

The general conduct of the prisoners, particularly when in chapel, or otherwise under the chaplain's charge, is stated to be always very respectful, as well as when in private conversation.

The prisoners are allowed to write to their friends once in three months, and oftener by special permission of the inspectors or warden, and to receive all letters sent them, if of a proper character, the correspondence both ways being subject to supervision. About seven-eighths of them carry on correspondence. There is great variety in the character of their letters; some are quite *despondent*, but for the most part they are hopeful, and express *good desires and purposes*. A decidedly beneficial influence is, on

the whole, exerted on the prisoners by their correspondence. Letters received from friends, and particularly mothers and sisters, are filled with good advice. Those received from old cronies are often of a different character, and have to be withheld.

The good effect of letters from parents was, on a recent occasion, demonstrated by a convict receiving one from his mother, when, on looking at the superscription, he observed, "chaplain, if I could have my choice between that letter and a \$100 green-back, I would take the letter."

The correspondence of the prisoners constitutes one of the principal moral means of access to them, of which the chaplain avails himself to the utmost.

The same practice of admitting general visitors indiscriminately, is followed in this, as in the other State prisons, and the evil influences of it are equally discernible. It unquestionably tends to humiliate the convicts and wound their self-respect, and also to obstruct their progress towards reformation, and especially is this effect produced by the visits of females, who are allowed to enter without restriction as to character or numbers.

The chaplain is charged also with a general oversight of the secular instruction of the prisoners, including spelling, reading, writing and arithmetic. Of those admitted the year previous to the examination, one-third were unable to read. The number of teachers employed at present is but three, though the design is to have four; their instruction is conducted in the cells, after leaving the workshops, each teacher having assigned to him certain galleries in which lessons are given to all who need it, amounting to about 100. An hour and a half for five days a week is devoted to this purpose. It is very plain to any one who considers this arrangement, that it is absurd to expect any important results from it. No convict can receive more than one lesson a fortnight, and that only for a few minutes. A single half hour's tuition in a room where all could listen to the same lesson, would undoubtedly yield a hundred fold more advantage than is now obtained from triple that amount of time and service. Convinced of the great importance of scholastic education, as one of the means of obtaining a livelihood, both after as well as before incarceration, and also a measure of reform, we believe it one of the first duties of the State to provide adequate means of instruction for these poor ignorant ones, and that the present farcical system should be substituted by one that would accomplish the object effectually.



Such is the opinion of the best officers of the institution, and were it possible for them to obviate the principal difficulty in the way of its accomplishment, viz: the contract system of labor, they would gladly adopt a different and more natural method for the purpose.

The library of this institution contains about 4,000 volumes, and is under the immediate care of the chaplain, who is also charged with the selection of additional books, for which an annual appropriation of \$400 is made by the State. The character of the works is, for the most part, such as is adapted to the moral, religious and intellectual improvement of the convicts, embracing history, biography, travels, religion, general literature and such magazines as Harper's, Atlantic, Littell's, Knickerbocker and Putnam's. As some injustice was thought to have been done by a playful remark in the report of the committee on State prisons, last year, we very cheerfully give place to the following explanation in regard to some matters connected with the prison library by Chaplain Smith, of Sing Sing, in his annual report, under date of October 1, 1866: "A catalogue of the books is made out and kept at the chaplain's office, embracing the name of each book, whether purchased or a donation, and if a donation, by whom. The annual appropriation is expended by the chaplain, and the name and price of each volume purchased, reported through the warden to the State Comptroller, with each of whom the manner of its expenditure is kept, with the proper vouchers. These statements may correct any erroneous impressions which might arise out of some misapprehensions which crept into the last report of the 'Prison Association' concerning prison libraries, and especially here."

Books from the secular library are given out every three weeks, the prisoners going to the shelves and selecting such as they like. Strictly religious books may be drawn every Thursday forenoon. This mode of distribution is adopted here, as in Clinton prison, because it gives the chaplain a better opportunity of seeing and conversing with the convicts.

On being returned, the books are examined, and any deficiency or injury of them forfeits the privilege of the library. About seven-eighths of the convicts avail themselves of the privilege. Their opportunities for reading are found in the shops after the completion of their allotted tasks, and in their cells till 9 o'clock *at night, and on Sundays.* The observations of the chaplain de-



monstrate that reading is a very favorite occupation of spare time with the prisoners, both in the workshops and cells.

They are allowed to receive from their friends magazines and strictly scientific papers, but not general newspapers.

The effect of these privileges of the library and of scholastic instruction, meagre as is the latter, is considered by those most capable of judging, as highly beneficial in every respect; and it is regarded as especially potential in promoting discipline, and more valuable in securing good conduct than the shower bath and all the other punishments.

A great difficulty in the way of improvement in the character of the prisoners at Sing Sing is their great number and their want of classification. Young and old offenders and every variety of character are here mingled together without any discrimination, and their large number renders it impossible for the chaplain, warden or any officer to know them all personally, so that it is impossible to give them that special care and consideration which are an essential point in the cultivation of the finer feelings and the disposition to reform. Even with the great crowd of convicts, a proper classification would greatly facilitate the labors of those who devote themselves to their improvement.

*Sanitary Condition.*—As to the ventilation of the prison, it cannot be said that there is any method whatever, the doors and windows being the only reliance for the purpose, and of course, with windows so very diminutive, that dependance is a very poor one. The state of health of the establishment at the period of our examination was good, but during the three months immediately preceeding, viz.: July, August and September, dysentary and diarrhoea prevailed to a large extent. The number in hospital, in October, at the time of visitation, was 19, of whom five were suffering from wounds, and all confined to bed. About 20 others were disabled by blindness, hernia, loss of limbs, and other like causes, and about 70 were unable to perform more than light work. The only case of insanity was that of a U. S. convict, a man of good education and intelligence, considerably advanced in life, whose incarceration for an alleged crime against the Government, and his privation of the social comforts and relations, which he had always enjoyed, were evidently working upon his spiritual being in such a manner as to threaten a permanent derangement, and impairing his physical powers, yet not to an extent sufficient to require his removal to the asylum, a step which at the present time would

undoubtedly complete the loss of mind. His release from confinement and return to his family and social life are believed to be the only means by which his mental integrity can be restored and preserved.

Insanity is sometimes simulated, and can be detected only by close watching of the conduct of the party. There appears to be no infallible tests for this purpose, but for feigned physical diseases, such as epilepsy, rheumatism, inability of micturition and others, there are professional tests, which, under the application of an expert, cannot fail of detection. Scrofula is considered by Dr. Pryne, the medical officer, to be the most prevalent disorder among persons confined in prison, and more fatal than any other, and they are regarded by him as more liable to rheumatism and consumption than the same class of persons outside.

During the past year there occurred 18 deaths, which was about the average of the previous years.

In the opinion of the prison physician, whose intelligent and faithful devotion to his duties deserves our commendation, no *direct* or *immediate* sickness could be reasonably attributed to the nature of the discipline, the diet, the want of dryness or warmth, the character of the ventilation, excessive toil, or any other particular circumstance connected with the prison, but he is decidedly of opinion that the condition of the prison in several of these sanitary points is in a general way injurious. The effect of the non-ventilation before alluded to is decidedly manifested every Monday morning in the hall, by the offensive odor at the time of the exit of the prisoners from their cells. This arises from the circumstance of the retention of the night tubs in the cells from Saturday night until Monday morning, without cleansing, none of the methods known to modern science being adopted to avoid this disgusting and dangerous effect. We would take this opportunity to suggest the application to these night tubs of a recently invented arrangement for the application of disinfectants known by the name of *The Ready Disinfector*, by the use of which, at a very trifling expense, all the evils arising from the circumstance alluded to may be entirely avoided. The means for effecting this could be easily manufactured by the prisoners themselves, under proper directions, and should be adopted in every prison where night tubs are allowed in the cells.

Although no injury is known to be attributable to hard labor, yet the evil effect of long continued labor in certain attitudes of *body has been observed* in several instances.

The situation of the male prison, at the base of a high hill, and on its west side, where the sun can lighten it by his direct rays only during a few hours in the latter part of the day, and its immediate proximity to the river, necessarily causes much dampness in the surrounding atmosphere, producing a similar effect in the interior. The deficiency of sunlight, owing to the position of the prison and the smallness of the windows, in the judgment of the medical officer, contributes not a little to the ill health of the prisoners. Prisoners of short sentences do not manifest, in general, any falling off in health or strength, and they are believed generally to increase in weight.

As far as the construction of the buildings admit, and in respect to the beds and bedding, the wards and cells, and the persons of the prisoners, the hygienic requirements appear to be well attended to.

A change in the arrangements of the hospital department, conforming to modern improvements, is much to be desired. The patients are now all treated in one room, whereas separate wards are imperatively required for the proper application of professional means of treatment.

The diet and treatment of the sick are entirely under the control of the medical officer, and the propriety and necessity of admitting those to the hospital who complain of indisposition, are also submitted to his judgment. Those who are too ill to work, and yet not sick enough to be confined in hospital, are excused from labor by tickets issued by the physician, and remain in the shops. The effect of punishments is not regarded by the doctor, in general, as detrimental to their health. Two cases of sodomy have been detected in this prison, though none during the past year; this, and the other evil habit so common among prisoners, are considered as having caused a state of dementia in several cases, though insanity, as a direct result, has not been observed in any instance.

It fell to the lot of one member of the committee during his investigation, to observe an extraordinary evil influence upon the health of a few of the convicts, resulting from their protracted confinement in the dark cells. There are nine of these, and every one was occupied. In two of them the parties had been shut up twelve days in succession. When it is understood that these cells have an area of only about 160 cubic feet, and are nearly air-tight and almost totally dark, the only light admitted being through a half-inch fissure at the top of the solid iron doors, the latter being

opened only twice a day for the admission of the bread and water diet, and the bed being nothing but loose sawdust covered with boards, and consequently giving forth clouds of dust with every motion of the body or feet, with the night-tub keeping constant company with its user, it may readily be seen how excessively foul the air must become in a few hours ; but its dreadful condition after so many days, cannot possibly be appreciated except by chemical tests, or by the direct effects upon the physiological condition of the prisoners.

Being almost entirely deprived of oxygen, and having but little else than carbonic acid and other poisonous gases to breathe, the vital powers become necessarily depressed to such a low degree, as scarcely to exist at all. On examining one of these unfortunates, the pulse was found greatly below the natural standard, both in force and frequency, the complexion very pale, the appetite for food very nearly gone, and the subject, though in the erect posture, very feeble in muscular power.

On testing the quality of the atmosphere of the cell by *lime water*, the only means at hand, the proportion of carbonic acid gas was so excessive as to render the pellucid fluid in a few minutes as opaque and white as a strong solution of milk, while the outer air, which was tested simultaneously produced no effect whatever upon it, showing complete purity in that particular.

The atmosphere of the hospital apartment, exhibited a state of great impurity, owing to the absence of proper ventilation, an improvement more easily accomplished than that of supplying it with proper temperature. We were, therefore, glad to learn that the immediate erection of a larger and more commodious hospital is in contemplation.

#### 4. FEMALE PRISON AT SING SING.

This is the only female prison for felons in our State. It is so inadequate to the necessities of the State, that the Legislature has found it necessary to make provision by law for punishing all females convicted of felony in the 7th and 8th judicial districts in the local penitentiaries of the counties of Erie and Monroe. Notwithstanding the relief thus obtained, the prison is still greatly over-crowded, it being necessary in not a few cases to place two inmates in a cell. With this exception, the prison appeared to your committee to be well and ably conducted under the humane and efficient administration of the matron, Mrs. Hubbard, aided by *her daughters and other female assistants.*

## 5. ASYLUM FOR INSANE CONVICTS.

Contiguous to the State prison at Auburn, and on what was formerly a part of the prison premises, stands the State Asylum for Insane Convicts. This institution has been in operation eight years, and is under the care of Dr. Charles E. Van Anden, as medical superintendent. The number of patients at the time of our visit, was between seventy and eighty, of whom the greater portion were suffering from chronic mania. Of this establishment we have nothing to say, except in commendation. The buildings, the grounds, the arrangements for the comfort and health of the inmates, and the entire management, both medical and economic, seemed to us all that could be desired. The institution may justly be pronounced an ornament and honor to our State. Of the chief officer, Dr. Van Anden, it may be said, with emphasis, that "he is the right man in the right place."

We offer the following extracts from this officer's last annual report, addressed to the Inspectors of State prisons, under date of October, 1866:

"I trust your honorable Board will allow me to again bring up for your favorable consideration the plan of an enlargement of the purposes and capacities of this State charity. In several of my annual reports I have taken occasion to refer to this subject, and have spoken of the comparatively small amount of further expenditure required to so enlarge its capabilities as to afford curative means, care and protection to three times the number of its present inmates. Immediately adjoining the State property are grounds which might easily be purchased and incorporated into our own, and with it we should be possessed of power to enlarge our buildings and at the same time afford the benefits of agricultural employment to our inmates; enjoying also whatever advantage would accrue from an increase of the products of the land. I heartily recommend that this institution be thus extended and so organized that it shall be competent to receive and care for all the *really criminal insane* of our State.

"The general condition of the patients since my last report has been characterized by no peculiarities other than those common to us in preceding years. Three persons have died—one from phthisis, one from convulsions, and one from senile debility. With these exceptions, we have been remarkably free from disease, other than that connected with their mental disorders; and I take great pleasure in stating to you that we may have the satisfaction of feeling that for the space of another year these unfortunate

beings, unable to provide for themselves, have been comfortably fed and clothed and sheltered, while society has been protected from their violence.

“During the year the patients have accomplished their ordinary amount of labor in the several departments of the asylum, and the garden and grounds have yielded their usual quantity of vegetable products.

“Religious services, with few exceptions, have been attended weekly in our little chapel, and it is not uncommon for visitors to express their surprise at so much quiet attention and manifest interest exhibited in these exercises among the insane. To the Rev. B. I. Ives, our excellent chaplain, my cordial thanks are due for the persuasive manner in which he seeks to impart divine truth, and for his patient efforts in endeavoring to bring within the comprehension of these benighted minds the tender love and sweet consolations of the gospels.”

6. COMPARATIVE STATISTICS OF THE STATE PRISONS.

For the following valuable statistical information we are indebted to the Annual Report of the Board of State Prison Inspectors for 1866. We have taken the liberty of sometimes modifying the form of their tables, but without, of course, in any instance affecting the substance of the statements:

TABLE No. 1.

*Showing the number of convicts in the several prisons and State lunatic asylum for insane convicts, on the 30th day of September, 1865; the number received, discharged by expiration of sentence, pardon, commutation, etc.; and the number remaining in the prisons and asylum at the close of the year ending September 30th, 1866.*

| PRISONS.                | Number remaining in prisons and asylum at the close of the year ending Sept. 30, '65. | Number received during the fiscal year. | Discharged by expiration of sentence, and deduction for good conduct. | Discharged by pardon, commutation and court. | Escaped. | Retaken and returned to prison. | Transferred to lunatic asylum at Auburn. | Died. | Number discharged during the year. | Number in prisons and asylum Sept. 30, '66. |
|-------------------------|---|---|---|--|----------|---------------------------------|--|-------|------------------------------------|---|
| Sing Sing .....         | 784   | 717                                     | 177   | 45   | 11       | 6                               | .....                                    | 16    | 305                                | *1,202                                      |
| Auburn .....            | 515   | 469                                     | 161   | 64   | .....    | .....                           | 3  | 3     | 231                                | 753   |
| Clinton .....           | 338   | 270                                     | 91  | 65   | 8        | .....                           | 1  | 3     | 168                                | 440   |
| Female, Sing Sing ..... | 159   | 71                                      | 13  | 52   | .....    | .....                           | .....                                    | 1     | 66                                 | 164   |
| Asylum .....            | 73  | 4                                       | .....   | .....  | .....    | .....                           | .....                                    | 3     | 4                                  | 70  |
| Totals .....            | 1,869   | 1,531                                   | 442   | 226  | 19       | 6                               | 4  | 26    | 774                                | 2,629                                       |

\* Fifty convicts transferred to Clinton prison.



TABLE No. 2,

*showing the nativity of the inmates of our prisons, including the asylum for insane convicts, at the close of the year ending September 30th, 1866.*

|                 | NATIVES OF THE U. S. |         | FOREIGNERS. |         | TOTAL. |         |
|-----------------|----------------------|---------|-------------|---------|--------|---------|
|                 | Male.                | Female. | Male.       | Female. | Male.  | Female. |
| Auburn .....    | 506                  | --      | 247         | --      | 753    | ---     |
| Sing Sing ..... | 648                  | 73      | 554         | 91      | 1,202  | 164     |
| Clinton .....   | 295                  | --      | 145         | --      | 440    | ---     |
| Insane Asylum.  | 40                   | --      | 30          | --      | 70     | ---     |
| Total .....     | 1,489                | 73      | 976         | 91      | 2,465  | 164     |
|                 | ==                   | =       | ==          | =       | ==     | ==      |

TABLE NO. 3,

*showing the average number of convicts in the several State prisons during each year, for the last ten years, and the yearly average.*

## SING SING.

| Yrs.                 | Male. | Female. | Auburn. | Clinton. | Asylum. | Total. |
|----------------------|-------|---------|---------|----------|---------|--------|
| 57,                  | 897   | 84      | 678     | 377      | ---     | 2,036  |
| 58,                  | 962   | 97      | 712     | 324      | ---     | 2,095  |
| 59,                  | 1,057 | 123     | 787     | 406      | ---     | 2,373  |
| 60,                  | 1,173 | 137     | 855     | 449      | 48½     | 2,662½ |
| 61,                  | 1,280 | 143     | 856     | 483½     | 62      | 2,824½ |
| 62,                  | 1,147 | 130     | 860     | 497½     | 78⅔     | 2,713½ |
| 63,                  | 890½  | 124     | 772½    | 434½     | 80½     | 2,302½ |
| 64,                  | 796   | 147     | 652     | 370      | 79½     | 2,044½ |
| 65,                  | 689   | 169     | 529     | 439      | 72¾     | 1,898¾ |
| 66,                  | 1,176 | 163     | 688½    | 440      | 70½     | 2,537¾ |
| Yearly average ..... |       |         |         |          |         | 2,352½ |

TABLE No. 4,

*showing the total number of convicts remaining in the several prisons on the 30th September, 1866, and the nature of their convictions.*

| PRISONS.                | Crimes against person. | Crimes against property. | Crimes against both. | Crimes against U. S. | Total. | Temperate. | Moderate. | Intemperate. | Total. |
|-------------------------|------------------------|--------------------------|----------------------|----------------------|--------|------------|-----------|--------------|--------|
| Sing Sing .....         | 160                    | 959                      | 81                   | 2                    | 1,202  | 221        | 434       | 547          | 1,202  |
| Sing Sing, female ..... | 20                     | 144                      | .....                | .....                | 164    | 61         | 29        | 74           | 164    |
| Auburn .....            | 130                    | 591                      | .....                | 32                   | 753    | 165        | 201       | 387          | 753    |
| Clinton .....           | 81                     | 354                      | .....                | 5                    | 440    | 107        | 135       | 148          | 440    |
| Insane Asylum .....     | 19                     | 44                       | 6                    | 1                    | 70     | .....      | .....     | .....        | 70     |
| Total. ....             | 410                    | 2,092                    | 87                   | 40                   | 2,629  | 554        | 849       | 1,156        | 2,629  |

TABLE No. 5,

*Showing the number of white and colored convicts remaining in all the prisons, September 30th, 1866; also the number of cells in each of the prison.*

|                     | White.       | Colored.   | Indian.  | Total convicts. | Cells.       |
|---------------------|--------------|------------|----------|-----------------|--------------|
| Sing Sing.....      | 1,123        | 79         | ---      | 1,202           | 1,191        |
| Sing Sing, female.. | 146          | 18         | ---      | 164             | 117          |
| Auburn.....         | 708          | 45         | ---      | 753             | 992          |
| Clinton.....        | 408          | 31         | 1        | 440             | 544          |
| Asylum.....         | 57           | 12         | 1        | 70              | -----        |
| Total.....          | <u>2,442</u> | <u>185</u> | <u>2</u> | <u>2,629</u>    | <u>2,844</u> |

TABLE No. 6,

*Showing the amount expended for all purposes at the Sing Sing Male and Female, Auburn and Clinton prisons and the Asylum, for the gear ending Sept. 30, 1866.*

|                              | Sing Sing<br>Male. | Sing Sing<br>Female. | Auburn.      | Clinton.    | Asylum.     |
|------------------------------|--------------------|----------------------|--------------|-------------|-------------|
| Salaries of officers .....   | \$56,723 23        | \$7,121 47           | \$41,907 04  | \$34,061 24 | \$4,504 05  |
| Rations .....                | 88,119 86          | 12,457 45            | 46,266 74    | 34,662 10   | 4,502 58    |
| Stock and material.....      | .....              | .....                | 2,081 33     | 787 67      | .....       |
| Printing and stationery .... | 1,151 83           | 144 25               | 1,043 02     | 444 82      | 80 73       |
| Discharged convicts.....     | 1,076 45           | 419 95               | 1,536 16     | 1,147 75    | .....       |
| Hospital .....               | 2,641 58           | 627 19               | 1,199 17     | 388 73      | 72 89       |
| Clothing and bedding .....   | 33,744 02          | 3,179 52             | 19,993 63    | 2,177 55    | 1,240 93    |
| Building and repairs .....   | 11,386 77          | 874 76               | 4,757 21     | 272 09      | 850 79      |
| Fuel, gas and oil.....       | 12,068 79          | 1,877 41             | 10,101 43    | 2,688 80    | 3,176 54    |
| Hay, grain and oats.....     | 669 65             | .....                | 249 92       | .....       | 190 23      |
| Furniture .....              | 885 13             | 336 58               | 243 41       | 352 34      | 275 04      |
| Miscellaneous .....          | 8,345 25           | 110 55               | 4,022 67     | 6,834 13    | 1,043 37    |
| Convict deposits refunded .. | 3,463 70           | .....                | .....        | .....       | .....       |
| Total .....                  | \$220,259 36       | \$27,149 13          | \$134,001 73 | \$93,797 22 | \$15,937 15 |

TABLE No. 7,

*Exhibiting the whole amount of cash received from all sources at the Sing Sing and Auburn Prisons for the year ending September 30th, 1866.*

| Received from.     | Sing Sing.  | Auburn.     |
|--------------------|-------------|-------------|
| Shoe contract..... | \$18,115 00 | \$21,171 73 |
| Iron ".....        | 33,323 45   | -----       |
| Cabinet ".....     | 14,569 82   | 13,745 42   |
| Auger ".....       | 11,675 50   | -----       |
| File ".....        | 7,817 20    | -----       |
| Quarry ".....      | 3,283 35    | -----       |
| Lime ".....        | 1,463 27    | -----       |
| Hame ".....        | -----       | 17,332 00   |

| Received from                       | Sing Sing.          | Auburn.            |
|-------------------------------------|---------------------|--------------------|
| Tool contract .....                 | -----               | 12,865 39          |
| Cooper " .....                      | -----               | 2,018 63           |
| Machine " .....                     | -----               | 21,052 05          |
| Miscellaneous .....                 | 19,853 20           | 5,408 33           |
| For support of U. S. convicts ..... | 11,065 51           | 993 63             |
| Convicts' deposits .....            | 4,158 27            | 2,132 99           |
| Visitor fund .....                  | 379 75              | -----              |
| Carpet contract .....               | -----               | 119 00             |
| Total .....                         | <u>\$125,704 32</u> | <u>\$95,839 17</u> |

TABLE No. 8,

*Showing comparative receipts from all sources, at the Sing Sing and Auburn prisons, for the fiscal years ending September 30th, 1865 and 1866.*

|                 | Receipts, 1865.     | Receipts, 1866.     |
|-----------------|---------------------|---------------------|
| Sing Sing ..... | \$94,666 33         | \$125,704 32        |
| Auburn .....    | 80,712 50           | 97,734 91           |
| Total .....     | <u>\$175,378 83</u> | <u>\$223,439 23</u> |

The two following tables exhibit the result of the management of Clinton prison, under the two systems of contract labor and employment by the State.

TABLE No. 9,

*Showing the total earnings and expenses of Clinton prison for nine years, ending September 30th, 1864.*

| Years.        | Earnings.           | Expenses.           | Excess of expenditures. |
|---------------|---------------------|---------------------|-------------------------|
| 1856 .....    | \$35,126 60         | \$55,039 30         | \$19,912 70             |
| 1857 .....    | 26,882 58           | 47,947 29           | 21,064 71               |
| 1858 .....    | 20,668 63           | 55,781 76           | 35,113 13               |
| 1859 .....    | 21,579 06           | 71,018 67           | 49,437 61               |
| 1860 .....    | 27,515 81           | 63,115 14           | 35,599 33               |
| 1861 .....    | 14,533 27           | 63,857 38           | 49,324 11               |
| 1862 .....    | 41,148 88           | 63,585 90           | 22,437 02               |
| 1863 .....    | 41,479 35           | 64,594 51           | 23,215 16               |
| 1864 .....    | 38,726 72           | 70,176 58           | 31,449 86               |
| Total .....   | <u>\$267,660 90</u> | <u>\$555,216 53</u> | <u>\$287,553 63</u>     |
| Average ..... | <u>\$29,740 10</u>  | <u>\$61,690 72½</u> | <u>\$31,950 40½</u>     |

TABLE No. 10.

*Showing the finances of Clinton prison during seventeen months since the abolishment of the contract system, ending September 30th, 1866.*

## PRISON ACCOUNT.

|                                     |                           |
|-------------------------------------|---------------------------|
| Received from State Treasurer.....  | \$92,975 12               |
| Returned to State Treasurer.....    | 5,974 60                  |
| Due treasury.....                   | <u>\$87,000 52</u>        |
| On hand over September 30th, 1865 : |                           |
| Cash, produce, etc.....             | 21,159 95                 |
| Actual prison deficit.....          | <u><u>\$65,840 57</u></u> |

## MANUFACTURING ACCOUNT.

|   |                          |
|---|--------------------------|
| Received from treasurer.....                        | \$123,101 10             |
| Returned to treasurer.....                          | 80,412 36                |
| Due treasurer.....                                  | <u>\$42,688 74</u>       |
| On hand over September 30th, 1865 :                 |                          |
| Cash and stock on hand (wood, ore, nails, etc.).... | 145,942 22               |
| Credit balance.....                                 | <u>103,253 48</u>        |
| Deduct prison deficit.....                          | 65,840 57                |
| Credit balance of prison.....                       | <u>\$37,412 91</u>       |
| Deduct prison deficit of 1865.....                  | 36,145 27                |
| Net profits during 1865 and '66.....                | <u><u>\$1,267 64</u></u> |

On the above showing the inspector's remark :

“ This result has been attained during seventeen months experience of employing the convict labor by the State, and certainly is a most profitable result.

“ The experiment has been made at the prison, costing the most relatively to support, and with this favorable result in the infancy of the business, we may confidently expect a complete triumph of this management over the contract system.”

TABLE No. 11.

The following statement gives the particulars of the several contracts at the Sing Sing and Auburn prisons:

SING SING PRISON.

| Contracts.           | Names of contractors.   | No. of men on each contract. | Price per day. | When commenced. | When expires.  |
|----------------------|-------------------------|------------------------------|----------------|-----------------|----------------|
| File -----           | L. H. Miller -----      | 59                           | 40 cents.      | Oct. 1, 1862    | Oct. 1, 1867   |
| Auger -----          | S. G. Howe & Co. -----  | 103                          | 40 do          | April 1, 1863   | April 1, 1868  |
| Malleable iron ----- | I. G. Johnson -----     | 149                          | 40 do          | Jan. 1, 1864    | Jan. 1, 1869   |
| Malleable iron ----- | E. Hayden -----         | 121                          | 55 do          | Aug. 1, 1864    | -----          |
| Cabinet -----        | C. H. Woodruff -----    | 104                          | 45 do          | Jan. 1, 1865    | Jan. 1, 1868   |
| Shoe -----           | Bigelow & Trask -----   | 173                          | 40 do          | Jan. 1, 1865    | Jan. 1, 1870   |
| Lime -----           | W. M. Sands & Son ----- | 4                            | 75 do          | -----           | -----          |
| Stone -----          | Alfred Walker -----     | 74                           | 50 do          | Feb. 15, 1866   | Feb. 15, 1867  |
| Hame -----           | J. J. Lewis -----       | 18                           | 50 do          | April 19, 1866  | April 19, 1867 |

Female Department.

|                |                       |    |       |              |              |
|----------------|-----------------------|----|-------|--------------|--------------|
| Clothing ----- | Henry B. Hawley ----- | 92 | 18 do | Feb. 1, 1866 | Feb. 1, 1867 |
|----------------|-----------------------|----|-------|--------------|--------------|

AUBURN PRISON.

|               |                             |     |                                      |               |               |
|---------------|-----------------------------|-----|--------------------------------------|---------------|---------------|
| Hame -----    | Hayden & Letchworth -----   | 104 | 58 do                                | Sept. 1, 1866 | Sept. 1, 1867 |
| Shoe -----    | E. P. Fenton & Co. -----    | 193 | 46 do                                | Jan. 1, 1862  | Jan. 1, 1867  |
| Cabinet ----- | Wm. J. Moses -----          | 72  | 67 do                                | Nov. 1, 1864  | Oct. 31, 1869 |
| Machine ----- | Barber, Sheldon & Co. ----- | 68  | 75 <sup>1</sup> / <sub>10</sub> & 40 | Sept. 1, 1864 | Aug. 31, 1869 |
| Tool -----    | J. M. Easterly -----        | 72  | 73 <sup>1</sup> / <sub>8</sub> cts.  | Sept. 1, 1866 | Sept. 1, 1871 |

TABLE No. 12,

*Showing the total average cost of supporting each convict per month and per day, in each of the prisons, for the year ending September 30th, 1866.*

|                 | Per month. | Per day. |
|-----------------|------------|----------|
| Sing Sing ..... | \$16 81    | \$0 56   |
| Auburn .....    | 15 33      | 51       |
| Clinton .....   | 19 90.6    | 66.35    |

TABLE No. 13,

*Showing the total average cost of rations for each convict per month and per day, in each of the prisons, for the year ending September 30th, 1866.*

|                 | Per month. | Per day. |
|-----------------|------------|----------|
| Sing Sing ..... | \$7 09     | \$0 23.6 |
| Auburn .....    | 5 60       | 18.6     |
| Clinton .....   | 7 51.3     | 25.4     |

TABLE No. 14,

*The following table shows the comparative cost of provisions at the different prisons for the years ending Sept. 30th, 1865, and Sept. 30th, 1866.*

|                 | COST OF PROVISIONS. |             | No. OF CONVICTS. |       |
|-----------------|---------------------|-------------|------------------|-------|
|                 | 1865.               | 1866.       | 1865.            | 1866. |
| Sing Sing ..... | \$65,017 58         | \$88,119 66 | 689              | 1,035 |
| Auburn .....    | 31,108 02           | 46,266 74   | 529              | 688½  |
| Clinton .....   | 30,858 10           | 34,662 10   | 439              | 392⅔  |

TABLE No. 15,

*Showing the comparative amount of earnings at the Sing Sing and Auburn prisons for the years ending Sept. 30th, 1865, and Sept. 30th, 1866.*

| 1865.                         | Sing Sing.          | Auburn.            |
|-------------------------------|---------------------|--------------------|
| Contract earnings .....       | \$57,383 96         | \$74,601 39        |
| Miscellaneous earnings .....  | 36,282 37           | 5,671 29           |
| Total .....                   | <u>\$94,666 33</u>  | <u>\$80,272 68</u> |
| 1866.                         |                     |                    |
| Contract earnings .....       | \$90,247 59         | \$89,323 94        |
| Miscellaneous earnings* ..... | 35,456 73           | 8,410 97           |
| Total .....                   | <u>\$125,704 32</u> | <u>\$97,734 91</u> |

\*The receipts for board of U. S. prisoners and the convicts' deposits are included, which we presume to be the explanation of the discrepancy between the sum here given under this head and that stated in a former table.



## RECAPITULATION.

|                 | 1865.               | 1866.               |
|-----------------|---------------------|---------------------|
| Auburn .....    | \$80,272 68         | \$97,734 91         |
| Sing Sing ..... | 94,666 33           | 125,704 32          |
| Total .....     | <u>\$174,939 01</u> | <u>\$223,439 23</u> |

TABLE No. 16,

*Showing the earnings and expenditures of the female department of Sing Sing prison for the years 1865 and 1866, together with the average number of convicts.*

|                                       | 1865.              | 1866.              |
|---------------------------------------|--------------------|--------------------|
| Total earnings .....                  | \$5,236 08         | \$4,829 01         |
| Total expenditures .....              | 29,949 36          | 27,149 13          |
| Excess of expenditures over earnings, | <u>\$24,713 28</u> | <u>\$22,320 12</u> |
| Average number of convicts .....      | 147 females.       | 163 females.       |

On which the inspectors remark :

"It will be seen that although the average number of convicts for the year 1866 is sixteen more than 1865, the expenses are \$2,800.23 less.

"The contract at this prison for the manufacture of gentlemen's clothing is a success : the women working very cheerfully, feeling that they are being educated and fitted for supporting themselves when they leave the prison."

TABLE No. 17,

*Showing the total amounts drawn from the treasury during the fiscal year ending 30th September, 1866, for the support of all the prisons; the total amounts returned to the treasury, the cash deficiency of each, and the cash value of the stock on hand, September 30th, 1866, over that on hand September 30th, 1865, and amounts expended for buildings, new materials, &c., now on hand.*

|                           | Drafts.      | Deposits.    | Cash deficiency. | Excess of cash value of stock. | Expended for build-ings, new material, &c., now on hand. |
|---------------------------|--------------|--------------|------------------|--------------------------------|--|
| Sing Sing, male.....      | \$219,385 78 | \$124,647 22 | \$94,738 56      | \$67 88                        | \$11,386 77  |
| Sing Sing, female.....    | 27,689 55    | 4,829 01     | 22,860 54        | 516 94                         | 1,211 34   |
| Auburn .....              | 136,525 90   | 95,839 17    | 40,686 73        | 2,525 17                       | 18,976 18  |
| Clinton .....             | 92,975 12    | 5,974 60     | 87,000 52        | 21,159 95                      | 12,449 64  |
| Clinton, manuf. account.. | 123,101 10   | 80,412 36    | 42,688 74        | 101,894 97                     | 8,370 00   |
| Asylum .....              | 15,937 15    | .....        | 15,937 15        | 192 72                         | .....  |
| Total .....               | \$615,614 60 | \$311,702 36 | \$303,912 24     | \$126,357 63                   | \$52,393 93  |

|  |                   |
|--|-------------------|
| From total cash deficiency of the treasury ..... | \$303,912 24      |
| Deduct excess of cash value of stock. ....       | \$126,357 63      |
| Expended for buildings, &c. ....                 | 52,393 93         |
|  | <u>178,751 56</u> |

|   |                            |
|---|----------------------------|
| Actual cost of all the prisons to the State, for the<br>fiscal year ending September 30th, 1866 ..... | <u><u>\$125,160 68</u></u> |
|---|----------------------------|

TABLE No. 18,

*Showing the cost or profit to the State, on the above basis of each of the several prisons, during the fiscal year ending Sept. 30, 1866.*

| PRISONS.                       | Cash deficiency to the treasury. | Cash value of new build'gs, &c., and excess of cash value of stock | Actual cost to the State. | Profits to the State. |
|--------------------------------|----------------------------------|--|---------------------------|-----------------------|
| Sing Sing, male .....          | \$94,738 56                      | \$11,454 65  | \$83,283 91               | .....                 |
| Sing Sing, female .....        | 22,860 54                        | 1,728 28   | 21,132 26                 | .....                 |
| Auburn .....                   | 40,686 73                        | 21,501 35  | 19,185 38                 | .....                 |
| Clinton, manufacturing acc't.. | 129,689 26                       | 143,874 56   | .....                     | \$14,185 30           |
| Asylum .....                   | 15,937 15                        | 192 72   | 15,744 43                 | .....                 |

TABLE No. 19,

Showing the total earnings and cash receipts, and the total cash expenditures, with the number on contract the last of each month, at the Sing Sing prison (male department), from October 1st, 1865, to September 30th, 1866.

| MONTHS.         | Contract earnings. | Miscellaneous earnings. | Total earnings. | Deposits in bank. | Treasurer's draft. | Salaries of officers. | Expenditures for ordinary support. | Expenditures for building, repairs, &c. | Total expenditures. | No. convicts on contract. | No. not on contract. | Total number of convicts. |
|-----------------|--------------------|-------------------------|-----------------|-------------------|--------------------|-----------------------|------------------------------------|---|---------------------|---------------------------|----------------------|---------------------------|
| 1865, October.. | \$5,691 37         | \$3,400 47              | \$9,091 84      | \$8,435 45        | \$18,547 07        | \$4,527 76            | \$10,958 47                        | \$1,816 62                              | \$17,302 85         | 582                       | 269                  | 851                       |
| November        | 6,293 60           | 3,038 70                | 9,332 30        | 7,739 57          | 17,672 45          | 4,520 06              | 12,695 66                          | 1,269 20                                | 18,484 92           | 623                       | 267                  | 890                       |
| December        | 6,653 82           | 3,528 12                | 10,181 94       | 9,471 72          | 18,995 36          | 4,400 32              | 13,260 51                          | 717 00                                  | 18,377 83           | 675                       | 268                  | 943                       |
| 1866, January.  | 7,152 07           | 3,773 82                | 10,925 89       | 9,495 14          | 17,171 73          | 4,467 34              | 13,259 31                          | 842 23                                  | 16,568 88           | 705                       | 287                  | 992                       |
| February.       | 6,835 98           | 3,598 63                | 10,434 61       | 10,015 70         | 16,790 66          | 4,419 78              | 11,726 99                          | 650 02                                  | 16,796 79           | 734                       | 319                  | 1,053                     |
| March...        | 8,052 25           | 3,814 67                | 11,866 92       | 9,826 65          | 13,226 86          | 4,646 08              | 7,458 17                           | 834 15                                  | 12,938 40           | 752                       | 290                  | 1,042                     |
| April....       | 7,766 25           | 2,783 93                | 10,550 18       | 10,087 28         | 15,366 36          | 4,773 09              | 10,554 83                          | 330 84                                  | 15,658 76           | 788                       | 287                  | 1,075                     |
| May.....        | 8,632 37           | 2,563 58                | 11,195 95       | 8,624 31          | 19,284 60          | 4,823, 68             | 12,343 46                          | 1,913 16                                | 19,080 30           | 806                       | 306                  | 1,112                     |
| June.....       | 8,534 45           | 2,751 09                | 11,285 54       | 10,178 09         | 25,307 83          | 4,862 88              | 17,422 33                          | 336 91                                  | 22,622 12           | 793                       | 349                  | 1,142                     |
| July.....       | 7,906 23           | 3,339 06                | 11,245 29       | 11,495 58         | 20,835 44          | 4,972 06              | 17,033 84                          | 540 20                                  | 22,546 10           | 809                       | 359                  | 1,168                     |
| August..        | 8,517 63           | 1,128 10                | 9,645 73        | 19,337 27         | 17,600 36          | 5,181 94              | 12,077 42                          | 955 41                                  | 18,214 77           | 807                       | 356                  | 1,163                     |
| Septem'r.       | 8,211, 57          | 1,736 56                | 9,948 13        | 9,940 46          | 18,587 06          | 5,128 24              | 13,358 37                          | 1,181 03                                | 19,667 64           | 805                       | 397                  | 1,202                     |
| Total.....      | 90,247 59          | 35,456 73               | 125,704 32      | 124,647 22        | 219,385 78         | 56,723 23             | 152,149 36                         | 11,386 77                               | 220,259 36          | .....                     | .....                | .....                     |

TABLE No. 20,

Showing the total earnings and cash receipts, and the total cash expenditures, with the number on contract the last of each month, at the Sing Sing prison (female department), from October 1st, 1865, to September 30th, 1866.

| MONTHS.         | Contract earnings. | Miscellaneous earnings. | Total earnings. | Deposits in bank. | Treasurer's draft. | Salaries of officers. | Expenditures for ordinary support. | Expenditures for building, repairs, &c. | Total expenditures. | No. convicts on contract. | No. not on contract. | Total number of convicts. |
|-----------------|--------------------|-------------------------|-----------------|-------------------|--------------------|-----------------------|------------------------------------|---|---------------------|---------------------------|----------------------|---------------------------|
| 1865, October.. | \$364 32           | \$69 70                 | \$434 02        | \$434 02          | \$2,101 01         | \$627 00              | \$1,434 13                         | \$38 78                                 | \$2,099 91          | 75                        | 86                   | 161                       |
| November        | 370 94             | 48 25                   | 419 19          | 419 19            | 2,186 54           | 627 00                | 1,689 67                           | 66 44                                   | 2,383 11            | 50                        | 111                  | 161                       |
| December        | 206 14             | 41 78                   | 247 92          | 247 92            | 2,535 96           | 622 15                | 1,785 86                           | 17 17                                   | 2,425 18            | 50                        | 117                  | 167                       |
| 1866, January.  | 208 26             | 51 77                   | 260 03          | 260 03            | 2,358 67           | 623 76                | 1,787 95                           | 60 05                                   | 2,471 76            | 51                        | 116                  | 167                       |
| February.       | 227 61             | 43 70                   | 271 31          | 271 31            | 2,525 84           | 596 46                | 1,705 69                           | 54 09                                   | 2,356 24            | 84                        | 84                   | 168                       |
| March...        | 333 56             | 71 38                   | 404 94          | 404 94            | 2,106 33           | 577 15                | 1,888 05                           | 42 83                                   | 2,508 03            | 91                        | 77                   | 168                       |
| April....       | 414 10             | 87 80                   | 501 90          | 501 90            | 2,401 53           | 580 50                | 1,483 23                           | 126 56                                  | 2,190 29            | 90                        | 78                   | 168                       |
| May.....        | 383 04             | 70 66                   | 453 70          | 453 70            | 2,420 53           | 580 38                | 1,675 26                           | 28 40                                   | 2,284 04            | 92                        | 70                   | 162                       |
| June.....       | 397 44             | 67 78                   | 465 22          | 465 97            | 2,338 34           | 572 01                | 1,338 84                           | 95 35                                   | 2,006 20            | 90                        | 78                   | 168                       |
| July .....      | 379 80             | 61 46                   | 441 26          | 441 26            | 1,778 62           | 570 70                | 1,400 59                           | 145 12                                  | 2,116 41            | 90                        | 73                   | 163                       |
| August...       | 402 16             | 75 57                   | 447 73          | 477 00            | 2,160 50           | 570 70                | 1,514 84                           | 103 42                                  | 2,188 96            | 89                        | 70                   | 159                       |
| Septem'r.       | 394 67             | 57 12                   | 451 79          | 451 77            | 2,775 68           | 573 66                | 1,448 79                           | 96 55                                   | 2,119 00            | 92                        | 72                   | 164                       |
| Total .....     | 4,082 04           | 746 97                  | 4,829 01        | 4,829 01          | 27,689 55          | 7,121 47              | 19,152 90                          | 874 76                                  | 27,149 13           | .....                     | .....                | .....                     |

TABLE No. 21.

Showing the total earnings and cash receipts, and the total cash expenditures, with the number of convicts on contract, number not on contract, and total number in prison at close of each month, at the Auburn prison, from Oct. 1st, 1865, to Sept. 30th, 1866.

| MONTHS.             | Contract earnings. | Miscellaneous earnings. | Total earnings. | Deposits in bank. | Treasurer's draft. | Salaries of officers. | Expenditures for ordinary support. | Expenditures for building, repairs, etc. | Convict deposit re-fund. | Total expenditures. | No. of convicts on contract. | No. not on contract. | Total number of convicts. |
|---------------------|--------------------|-------------------------|-----------------|-------------------|--------------------|-----------------------|------------------------------------|--|--------------------------|---------------------|------------------------------|----------------------|---------------------------|
| 1865, October . . . | \$5,624 65         | \$280 88                | \$5,905 53      | \$5,815 50        | \$10,484 83        | \$3,386 90            | \$6,148 97                         | \$1,047 21                               | \$134 90                 | \$10,717 98         | 398                          | 182                  | 580                       |
| November .          | 6,051 71           | 445 93                  | 6,497 64        | 5,210 89          | 10,709 79          | 3,291 31              | 7,063 59                           | 1,292 26                                 | 429 42                   | 12,076 58           | 414                          | 184                  | 598                       |
| December .          | 6,323 31           | 1,712 88                | 8,036 19        | 6,857 29          | 22,964 82          | 3,376 90              | 14,850 81                          | 653 35                                   | 769 36                   | 19,650 42           | 482                          | 157                  | 639                       |
| 1866, January .     | 7,496 73           | 999 89                  | 8,496 62        | 7,048 64          | 11,258 64          | 3,413 41              | 7,960 06                           | 887 92                                   | 173 05                   | 12,164 44           | 499                          | 148                  | 647                       |
| February .          | 6,884 43           | 647 81                  | 7,532 24        | 8,567 93          | 12,081 79          | 3,388 66              | 6,494 29                           | 419 65                                   | 455 98                   | 10,858 48           | 519                          | 139                  | 675                       |
| March . . .         | 8,159 32           | 1,109 91                | 9,269 23        | 6,457 76          | 8,322 56           | 3,404 04              | 6,817 45                           | 104 08                                   | 377 49                   | 10,703 06           | 538                          | 184                  | 692                       |
| April . . .         | 7,725 45           | 242 48                  | 7,967 93        | 4,580 75          | 9,228 12           | 3,502 88              | 4,822 88                           | 108 62                                   | 122 45                   | 8,556 83            | 551                          | 162                  | 613                       |
| May . . . . .       | 8,514 12           | 590 02                  | 9,104 14        | 6,819 56          | 8,123 49           | 3,580 28              | 5,978 63                           | 144 22                                   | 104 81                   | 9,807 97            | 553                          | 163                  | 716                       |
| June . . . . .      | 8,164 61           | 647 81                  | 8,812 42        | 5,293 34          | 11,960 32          | 3,524 83              | 6,795 73                           | .....                                    | 90 87                    | 10,411 43           | 561                          | 191                  | 752                       |
| July . . . . .      | 8,094 66           | 319 34                  | 8,414 00        | 4,964 05          | 10,850 62          | 3,666 77              | 5,009 92                           | .....                                    | 86 71                    | 8,763 40            | 566                          | 190                  | 756                       |
| August . . . .      | 8,611 60           | 1,032 01                | 9,643 61        | 1,636 86          | 8,700 28           | 3,690 30              | 6,096 29                           | .....                                    | 393 05                   | 10,179 64           | 562                          | 179                  | 741                       |
| September           | 7,673 35           | 381 01                  | 8,054 36        | 22,586 63         | 11,841 64          | 3,680 76              | 6,370 99                           | .....                                    | 59 58                    | 10,111 53           | 565                          | 188                  | 753                       |
| Total . . . . .     | 89,323 94          | 8,410 97                | 97,734 91       | 95,839 17         | 136,525 90         | 41,907 04             | 84,139 61                          | 4,737 21                                 | 3,197 67                 | 134,001 73          | .....                        | .....                | .....                     |

TABLE No. 22,

Showing the total earnings and cash receipts, and the total cash expenditures, with the average number of all the convicts per day, per month, at the Clinton prison, from October 1st, 1865, to September 30, 1866.

| MONTHS.           | Miscellaneous earnings. | Total earnings. | Deposits in bank. | Treasurer's draft. | Salaries of officers. | Expenditures for ordinary support. | Expenditures for building, repairs, &c. | Total expenditures. | No. not on contract. | Total number of convicts. |
|-------------------|-------------------------|-----------------|-------------------|--------------------|-----------------------|------------------------------------|---|---------------------|----------------------|---------------------------|
| 1865, October ... | \$244 58                | \$244 58        | \$244 58          | \$8,173 12         | \$2,669 61            | \$6,049 29                         | \$10 50                                 | \$8,729 40          | 366                  | 366                       |
| November..        | 288 70                  | 288 70          | 288 70            | 12,071 60          | 2,708 22              | 7,862 43                           | 21 00                                   | 10,531 76           | 361                  | 333                       |
| December..        | 366 06                  | 366 06          | 366 06            | 8,030 57           | 2,808 33              | 6,362 90                           | 13 80                                   | 9,185 03            | 333                  | 333.                      |
| 1866, January ... | 83 55                   | 83 55           | 83 55             | 9,151 79           | 2,748 33              | 5,469 13                           | 47 74                                   | 8,265 20            | 337                  | 337                       |
| February ..       | 265 96                  | 265 96          | 265 96            | 6,103 64           | 2,748 33              | 4,418 04                           | 2 25                                    | 7,168 62            | 346                  | 346                       |
| March.....        | 75 01                   | 75 01           | 75 01             | 4,924 74           | 2,748 33              | 2,499 64                           | .....                                   | 5,247 97            | 405                  | 405                       |
| April .....       | 67 52                   | 67 52           | 67 52             | 6,821 19           | 2,868 33              | 4,072 87                           | 5 38                                    | 6,946 58            | 415                  | 415                       |
| May .....         | 4,173 33                | 4,173 33        | 4,173 33          | 7,100 46           | 2,928 33              | 4,196 38                           | .....                                   | 7,124 71            | 410                  | 410                       |
| June.....         | 29 61                   | 29 61           | 29 61             | 7,188 56           | 2,928 33              | 4,172 85                           | 86 90                                   | 7,188 08            | 441                  | 441                       |
| July .....        | 39 25                   | 39 25           | 39 25             | 7,811 81           | 2,928 33              | 4,844 49                           | 26 82                                   | 7,799 64            | 428                  | 428                       |
| August.....       | 87 81                   | 87 81           | 87 81             | 7,927 63           | 2,928 33              | 4,690 29                           | .....                                   | 7,678 62            | 430                  | 430                       |
| September .       | 253 22                  | 253 22          | 253 22            | 7,670 01           | 2,928 33              | 4,943 28                           | .....                                   | 7,931 61            | 440                  | 440                       |
| Total.....        | \$5,974 60              | \$5,974 60      | \$5,974 60        | \$92,975 12        | \$34,061 24           | \$59,521 59                        | \$214 39                                | \$93,797 22         | *3924                | .....                     |

\* Average number of convicts throughout the year.

TABLE No. 23;

*Showing the real and personal property at the several State Prisons in this State, including the Asylum for Insane Convicts, for the year ending September 30, 1866.*

|                   | Real estate.          | Personal property.  | Total.                |
|-------------------|-----------------------|---------------------|-----------------------|
| Sing Sing-----    | \$548,918 80          | \$105,553 28        | \$654,472 08          |
| Female prison.... | 122,825 00            | 9,619 41            | 132,444 41            |
| Auburn-----       | 559,210 00            | 49,150 23           | 608,360 23            |
| Clinton-----      | -----                 | -----               | 678,006 21            |
| Convict asylum... | 82,291 00             | 11,395 24           | 93,686 24             |
| Total-----        | <u>\$1,313,244 80</u> | <u>\$175,718 16</u> | <u>\$2,166,969 17</u> |

TABLE NO. 24,

*Showing the number of inmates in the State Lunatic Asylum for Insane Convicts September 30, 1865, the number received and discharged since, and the number remaining September 30, 1866.*

|   |     |
|---|-----|
| At the beginning of the fiscal year, October 1st, 1865, the whole number of patients was----- | 73  |
| Admitted during the year from Auburn prison-----  | 3   |
| do do do Clinton prison-----  | 1   |
|   | — 4 |
| Total number during the year-----   | 77  |
| Discharged during the year well-----  | 3   |
| do do improved-----   | 1   |
| Died during the year-----   | 3   |
|   | — 7 |
| Remaining in asylum September 30th, 1866-----   | 70  |

TABLE NO. 25,

*Showing the total disbursements for the State Lunatic Asylum for Insane Convicts for the years from 1859 to 1866 inclusive; i. e., during the whole period of its existence.*

|   |             |
|---|-------------|
| For the eleven months ending September 30, 1859.. | \$16,387 07 |
| do year do 30, 1860..                             | 17,491 50   |
| do do do 30, 1861..                               | 14,173 85   |
| do do do 30, 1862..                               | 12,674 01   |
| do do do 30, 1863..                               | 12,035 80   |
| do do do 30, 1864..                               | 13,943 07   |
| do do do 30, 1865..                               | 1,699 18    |
| do do do 30, 1866..                               | 15,937 15   |



## III. THE EVIDENCE SUMMED UP.

We have already recited the authority under which we received our appointment as a commission to take the testimony of present and former prison officers of our own and other States, on all matters relating to the administration and discipline of prisons.

This commission, during the past summer, attended diligently to the examination of such gentlemen as were willing, and had sufficient leisure, to make statements concerning the influence of party politics on the administration of our prisons, and the practical working of the "contract system," as it is called; and, at the same time, listened to suggestions from experienced persons concerning reform in their management.

The names of the persons who were examined will be a sufficient guarantee of the value and accuracy of their testimony. They are, without exception, men of large experience in the practical workings of our penal institutions, and some of them have made the subject of prison discipline a careful and conscientious study. Among these, it will not be invidious to mention particularly the names of F. B. Sanborn, Esq., the worthy and efficient Secretary of the Massachusetts Board of State Charities, and Gideon Haynes, Esq., the experienced and most successful Warden of the Massachusetts State prison at Charlestown.

The entire list of witnesses comprises Franklin B. Sanborn, Gideon Haynes, Edward Nixon, Gaylord B. Hubbell, William H. Peck, Rev. Joseph A. Canfield, John Wallis, Rev. Benoni I. Ives, Morgan Augsbury, James D. Button, M. D., Lyman L. Wilkinson, William Wade, Levi S. Fulton, Eli Gallup, John S. Lanehart, Charles E. Van Anden, M. D., Amos Pilsbury, David L. Seymour, Thomas E. Sutton, Rev. John Luckey, Lewis H. Miller, Benjamin Legget and Charles E. Felton. Many other gentlemen stood ready to testify, if the commission had had the time to examine them.

The special qualifications which the gentlemen examined possess for giving valuable testimony upon the subjects within the scope of the legislative resolution, are these: Mr. Nixon was for a number of years a keeper at Sing Sing; Mr. Hubbell was for two years the efficient and successful warden of the same prison; Mr. Peck was agent and warden of the same prison from May, 1843, to September, 1845; Rev. Mr. Canfield had been chaplain of the Clinton State prison for three years; Mr. Wallis had been an officer of the same prison for eleven years, and at the time of the examination was principal keeper; Rev. Mr. Ives had held the

office of chaplain of the Auburn prison for eight years ; Mr. Augsbury had for eighteen months been clerk of the Auburn prison, and at the time of the examination, was its warden ; Dr. Button had been physician in the same prison for four years ; Mr. Wilkinson had been keeper in the same prison for three years, and prison architect for one year ; William Wade had been keeper in the same prison for ten years ; Mr. Fulton had been superintendent of the Monroe county penitentiary nearly five years ; Mr. Gallup had been keeper at the Auburn prison for five or six years ; Mr. Lanehart had been clerk in the same prison for more than four years ; Dr. Van Anden had been physician of the same institution for more than four years, and when examined, was superintendent of the State asylum for insane convicts ; General Pilsbury had been for about forty years successfully connected with the management of prisons in this and other states, and, when examined, was the superintendent of the Albany penitentiary ; Mr. Seymour had been the chief officer at Sing Sing prison for three years ; Mr. Sutton had been agent and warden of the same prison for the space of nearly one year ; the Rev. Mr. Luckey had been chaplain at the same prison for nearly eighteen years ; Mr. Miller had been a " contractor " as well as keeper at the same institution for more than four years ; Mr. Leggett had been a keeper at the same institution for about thirty years ; and Mr. Felton had been superintendent of the Erie county penitentiary for about three years and a half.

It will thus be perceived that present or former officers of every prominent penal institution in the State were examined. The examination embraced every grade of official duty, including that of warden, clerk, physician, chaplain, principal keeper, keeper and contractor. The gentlemen, whose testimony was taken, were not only intelligent to comprehend facts, but exceedingly competent to form opinions. Their statements were candid, and as far as the commission could judge, unbiassed. In fact, if there is any qualification to be made to the testimony of some of them, it is deemed by us to lie in the direction of understatement rather than overstatement. In condemning existing abuses, they would naturally desire not to provoke the hostility of men with whom they came in daily contact, and we thought that we sometimes detected the struggles of duty to their oath and to the State, with the disposition to say nothing that would cause offence to men of overshadowing influence. We believe that some persons, on this ground, alto-

gether refrained from giving testimony. This disposition adds weight to their criticisms. The names of such men as Sanborn, Haynes, Hubbell, Pilsbury, Fulton, Felton, Augsburý and others, will carry conviction to the friends of prison reform in this and adjoining States; and a number of them will be known and respected, wherever prison discipline is treated as a science rather than as a system of arbitrary rules.

In all this testimony, there is a most surprising unanimity. Here we have a score of men speaking without concert, with deliberation and under oath, whose utterances are of the same purport. Wardens and chaplains, physicians and clerks, have but one word to utter on the subject of the contract system, and that word is condemnation. Not a voice is raised in its defense, not a word by way of apology, so far, at least, as it is employed in the *State prisons of New York*. Here, whatever it may be elsewhere, it is the fruitful and most mischievous source of discontent and insubordination in the convicts, favoritism and oppression by the officers, weakness and laxity in the discipline, and corruption in various forms. It entails most serious pecuniary losses upon the State, and often makes the prison a seminary of vice rather than a school of reform. To all these men the contract system is an utter abomination. Its continued existence does not admit of discussion; prison discipline will be destroyed, if there is any serious delay in abolishing it. Some of the witnesses say that it were better that the prison doors should be thrown open, and all punishment of criminals abandoned, rather than longer to tolerate this most evil and corrupting system of convict labor. This strong language seems to this commission to be justified by the facts detailed in the evidence, to the substance of which attention is now invited.

The task of the commission in digesting and comparing the evidence, herewith submitted, has been much lightened by this very unanimity. No balancing of conflicting testimony is required, and our duties are sufficiently performed, if an intelligible digest is presented of the various points noticed in the wide range which the examination required, or at least permitted.

The testimony may be arranged under four general heads:

PART I. The Contract System and its Results.

“ II. The Influence of Politics upon Prison Discipline.

“ III. Defects in the Management of our Prisons.

“ IV. Suggestions and Recommendations.

It should be stated at the outset that the object of this review of the evidence is not so much to present its literal words as its intent and spirit. It is believed, however, that the views of the witnesses, as well as the facts detailed, are given with accuracy and without exaggeration. They can readily be tested by the printed minutes of testimony snbjointed—pp. 353, 497.

The first topic will be discussed under three subordinate divisions, embracing, respectively, a description of the contract system, its influence, considered economically, and its effect upon discipline.

## PART I.

### DIVISION I.—*Description of the Contract System.*

The meaning of the contract system of prison labor is, the act of letting, at a fixed sum per day, for a limited period, the labor of convicts to certain parties called contractors. It is the duty of the agent and warden of the prison, at stated times, to advertise for sealed proposals for a certain number of men to be employed by the contractors, say for five years, at a particular occupation. The State, on its part, furnishes the shops and the apparatus for heating them, together with keepers to control the men; the contractor provides materials, machinery, with the means of its propulsion, and citizens, as instructors of the convicts, in the different branches of business in which they are employed. In some instances, citizen mechanics are introduced into the prison precincts by the contractors, to aid in some portions of the work.

### DIVISION II.—*The Contract System Considered Economically.*

Theoretically regarded, this system has a certain measure of plausibility. It may be thought, on various grounds, that it is inexpedient for the State to manage the labor of its convicts. It may seem that the warden would be overburdened with duties, if he is to carry on the industries of the prison as well as to conduct its discipline. He might neglect the moral welfare of the prisoners in his eagerness to make the institution self-supporting, or a source of revenue to the State. On the other hand, if some other person is to take charge of convict labor, an unseemly and disastrous conflict may arise between two persons having, in some respects, co-ordinate power. Moreover, the State, it may be urged, thus comes in conflict with the production of individuals

in the same department of labor, and may, by forced sales of its products, artificially depress prices to the great injury of other producers. Finally, it may be said, that the State is but a poor promoter of industries, that its productions cost too much, and that all its management is inefficient, dilatory and expensive.

These theoretical objections, however, must yield when tested by experience. Whatever practical difficulties stand in the way of State management, must be surmounted. Even though it should be more expensive than the contract system, it must never be forgotten that economy and money making are not the chief merits of a prison system. The great requisite is that excellence of management and discipline, which makes the prison truly reformatory, and causes the convicts to leave it better men than when they entered. In these respects, it will appear that the contract system is a lamentable failure. But even on the score of economy and profit, no management can be more costly and expensive. This report will have failed to express the views of the witnesses as well as of this commission, unless it enforces, in the most decided terms, the proposition that the contract system must be abandoned, and that the State must undertake, in some form, the conduct of convict labor.

The testimony unequivocally establishes the proposition that the State is a very serious loser by this mode of employing convict labor.

As preliminary to a complete understanding of the subject of the contract system, a brief description of the plan of "overwork" is necessary. To each convict is assigned a certain amount of labor, which he is expected to perform. The amount is regulated by the contractors, subject to the oversight of the prison authorities. This "task," as it is called, is about three-fourths or seventy-five per cent of the amount which an able bodied artisan, not in prison, would accomplish. Many of the healthy and strong convicts can do much more than the assigned task, which may be finished by mid-day or soon after. The contractors stimulate the convicts to work beyond the allotted hours by extra compensation or allurements. This additional labor is known as "overwork." It has no legal existence, but has grown up in our State prisons by usage and the eagerness of contractors to obtain additional labor at low rates.

*It is believed, by many of the witnesses, that "task" work should be abolished, and that in its place should be substituted*

the rule that able bodied men should, as a general thing, work all the time during the usual hours allotted to labor, although this should not be carried so far as to permit ready and willing men to be stimulated beyond their strength. On this plan, the convict might be allowed to participate in his earnings. This participation not only leads to new resolutions of reformation and industry, but might enable the prisoner to do something for the support and comfort of his family, thus greatly increasing, as we are told, affection and sympathy between him and his friends. Even under the imperfect plan of "overwork" some of these results have been witnessed. They would, no doubt, be habitually produced on what may be called the natural or "co-operative" system, in which the employer shares the earnings with the employed in a fixed or defined proportion. Whether this may be practicable in all cases of employment or not, it clearly is in cases of forced labor, such as prison industry, when the State which exacts the work may provide on what terms it shall be furnished, not from mere economical considerations, but with the high purpose to promote the best good of its involuntary employees.

While, however, it is not deemed necessary to impugn the plan of overwork, when judiciously managed by the prison authorities under *legal rules*, it is deemed open to the most serious objections when it is under the control of selfish and irresponsible contractors. Some of the evils derived from it will be hereafter alluded to.

There are various modes whereby the labor of men engaged in task work, is secured at a much less rate than is usually paid by employers. In the first place, the bids for labor are purposely made very low, and there is reason to believe that there is frequently, a combination among contractors to keep the rates very moderate. Convict laborers earn two-thirds, or, perhaps, three-fourths of the wages received by other workmen, while the State is paid only about one-third of that amount, thus obtaining only one-half of the sum which it should receive. Again, after the contract has been entered into, the contractors resort to various devices to cause the State not to realize the amount which is justly to be paid by the very terms of the contract. Among other artifices, a workman's name is often retained on the invalid list, after he has been restored to perfect health, so that his labor may be obtained at half price. Another laborer may be reported as stupid and unable to work, for the same reason. Another is *claimed to deserve only the compensation of an apprentice*, as the



work is new to him. This claim is altogether unfounded, as an allowance for inexperience has already been made in the original contract of letting the men. Moreover, if the contractor makes little or no profit from his contract, whether the cause be his own negligence or misfortune, he asks the State for a deduction, in which application he is almost always successful; while, as might be anticipated, the State receives from him nothing beyond the provisions of the contract, though he has realized enormous profits. To understand how these results are accomplished by the contractors, it must be remembered that they are often active politicians, influential at nominating conventions, and that the authorities who have the management of the prisons have good reason to hold them in awe and to fear their opposition. For some reason the contractors succeed in carrying measures which are most advantageous to themselves and disadvantageous to the State.

These general statements may be readily illustrated by specific instances.

(1.) *Cases of low bids for labor.*—A witness, himself a contractor, states that the average rate of wages was forty cents per day in the Sing Sing prison, while the same class of men on the average were paid in ordinary employment, from one dollar to a dollar and a quarter per day. A striking case occurred in the very month in which the commission was pursuing its investigations. The men upon the "shoe contract," at Auburn, were let at fifty cents per day, for five years, together with the use of buildings worth \$2,000 per year, which the State is obliged to keep in repair at the cost of several thousand dollars more, while at a very low estimate, the mere wages of these men should have been one dollar and a quarter per day. The commission was reliably informed, though not under the sanction of an oath, that the contractor, on the execution of his contract, boasted that the men were worth three dollars per day, and it was asserted by competent judges, that he could have obtained, at once, a bonus of \$10,000, or, perhaps, \$20,000 for his contract. We asked why do not such high profits command competition in the bids, but only received intimations that it was often the policy of contractors that there should be no such competition.

It is a known fact that contractors stifle competition by paying money to induce the withdrawal of bids. We are not disposed to deny that there should be some allowance for risk of loss upon a contract having five years to run; but the fact that shrewd men



will pay a large advance, is strong evidence of the low terms on which the men were let. Nearly every contractor at Auburn has made large profits, and a number have acquired fortunes. Such great gains lead to favoritism in awarding contracts, especially on political grounds.

(2.) *Cases of Reclamations upon the State.*—A contractor who was allowed the use of a valuable water power at Auburn, without charge, and who paid less for his labor than other contractors who furnished their own power, made claim to damages for losses alleged to have been incurred during a long series of years by reason of a deficiency of water. The exorbitant demand was allowed to the amount of \$125,000, which was “in effect paid by the State for the privilege of making a present to the contractor of the use of the water power.” Claims are sometimes made for the most trivial losses. Illustrations like these are found in the testimony. A convict is earning \$3 per day; he is punished for a breach of prison rules by confinement in a dark cell. The contractor claims damages not for the loss of time as a convict, but according to his actual value as a workman. Or a machine has been contracted to be completed at a given time. The contractor fails to fulfill his engagement because some of the men are absent while undergoing punishment. He consequently charges the State for all the profits which he would have made if the machine had been completed according to contract. Thus, while the State receives but one-half of the value of the convict’s work, the contractor claims not only its full value, but anticipated profits.

(3.) *Losses by the State of the Amount agreed by the Contractors to be paid for Labor.*—Bonds with satisfactory sureties are not exacted from the contractors on the plea that monthly payments by them and the fixtures which they erect are sufficient security to the State that the contract will be fulfilled. But for some plausible reason the monthly payments are not made; they accumulate, perhaps, so as to form large arrearages, and are ultimately lost. The contractors do not, in general, fail because of their legitimate operations within the prison. When they become insolvent, they usually have lost their property by speculation and commercial gambling, which may not unreasonably be imputed to the extravagant gains made in these contracts, and the speculative disposition thereby engendered.

In these various modes, the State makes but small gains from

the labor of its prisoners, and loses much of the amount to which it is legitimately entitled.

DIVISION III.—*The effects of the Contract System upon Prison Management and Discipline.*

It is at this point that all the glaring faults and vices of the system are fully exhibited. It is possible to submit, without serious murmuring, to the poor financial results to which the State is exposed, if it could be seen that thereby the interests of the convicts were promoted. But when to this great pecuniary loss is added the evil effect upon the discipline and control of the prisoners, which is unanimously proved by the witnesses, there can be no apology offered for the continuance of a method of management which is at once a blunder in respect to economy and a crime against humanity.

It ought to be stated at this point that there are certain rules which the officers in all well ordered prisons are expected to observe, and which are deemed essential to its successful management. A failure on the part of an officer to adhere to them, justifies and usually demands his dismissal. Sometimes those rules are established by statute—at other times by prison regulations, and are the results of long experience. Whether established or not, the observance of them is, in itself, of the greatest importance. Thus, in Massachusetts, officers are required by statute to abstain from intoxicating drinks, and by the rules of the prison, from profanity. No officer, contractor, or instructor is allowed to use any improper language of any kind. The smell of liquor perceived on an officer's breath would be sufficient ground for his removal. Page 368.

The rules thus applied to officers should be as stringently enforced against all persons who habitually associate with prisoners. Should contractors or their foremen be allowed to indulge in profanity, or the free and open use of intoxicating drinks, when officers are required to abstain?

The testimony of the witnesses in respect to the abuses caused by the practical working of the contract system, may thus be summed up.

(1.) *The Contractor introduces into the Prison a class of persons who are unfit to associate with the prisoners, and who greatly abuse the facilities there afforded them for intercourse with convicts. These persons are of two classes, laborers and instructors of the*

onviets. While some of them are men of good character, a large proportion of them are of a low order of morals, being addicted to habits of profanity and intemperance. They enter the prison precincts under the influence of liquor, and are often the subjects of the jeers of the men whom they supervise. They introduce surreptitiously into the prison, forbidden wares, such as articles of food or spirits. They bring these in large quantities, under the guise of materials to be used by the contractors, and then sell them to the prisoners at enormous profits of one or two hundred per cent. They also furnish the convicts at exorbitant rates, the means of carrying on clandestine correspondence, by letters to their friends, at the same time robbing the "mail" which has thus been entrusted to them. The utmost difficulty is found in detecting this villany, because the word of a convict cannot be taken, and because when complained of, they assume and maintain with skill and surpassing impudence, the air of injured virtue. A most remarkable and very recent instance of this kind is detailed by Mr. Augsbury on pages 495-7 of this report. These men keep horses and carriages upon the premises, thus furnishing a convict to whom they are friendly, a favorable opportunity for escape, and sometimes even drive the vehicle by means of which he departs.

More than all this, they not unfrequently interfere directly with the discipline, thus subverting the control and influence of the warden. They not only insist, in some cases, that the convict shall be punished, but in other instances endeavor to screen him from the punishment which the interests of the institution demand that he shall receive. They even lay plans to entrap prisoners, so that acts may be done by which punishment may be sustained.

By means of these persons convicts are kept in a continual state of excitement, or of hostility to the prison authorities, and to the influences necessary to their due subordination. They are informed of events current in the outer world, and are far from being in that state of seclusion which is commonly supposed, and which is deemed to be essential to their government and reformation.

(2.) *An Evil Effect is produced by the Money which the Convicts receive through the medium of Contractors.*—There is no legitimate mode by the regular working of the prison system by which the convict can obtain money, or earn anything for the support of his family or for his own sustenance after leaving prison. This is unquestionably a serious defect in our prison organ-

ization, as it serves as an occasion or excuse for the adoption of the unlegalized system of overwork. Should the State adopt the rational plan of reserving for the convict's family, or in certain contingencies, for himself, a portion of his earnings, all the abuses of the present system could be readily done away with.

The plan of "overwork" is a creature of the contract system. The leading objections to it are that it furnishes an over stimulus to the convicts, and often destroys their health. It is the fruitful source of discontent and dissension, as all are not allowed to participate in its advantages; charges of favoritism are thus freely made and believed. Above all, it is under the control of *irresponsible* men, who simply use it for their own benefit. Convicts are thus enabled to obtain abundant supplies of money, which they may use for personal gratification, or to bribe keepers to allow them to escape, or to bestow on inferior lawyers as an inducement to use an effort to obtain pardons. The mind of the convict, no longer open to reformatory influences, is engaged solely with his chances of escape from confinement. If his thoughts are ever busy with the prospects of a pardon, he is no more susceptible to reformatory efforts than if they were occupied with the hopes of an escape through the connivance of a keeper. The whole effect of the system of overwork is unhealthy. When it produces the least harm, it crowds the convict's mind with suggestions to which no attention ought to be paid. But little good can be accomplished until the convict learns that the prison doors can only be opened *by his own good conduct, as the result of law*; until he is made aware that the same law which condemns him provides a method by which, through his own efforts, his sentence may be shortened; until he knows that while society takes the major part of his earnings as an equivalent for his support, it also bestows upon him a portion of them at the end of his imprisonment, so that he may, if he see fit, commence a career of usefulness, and, mayhap, honor. The "overwork" of the contractor teaches him none of these things, but feeds him with empty hopes and useless longings.

But even assuming that a plan of "overwork" originated by contractors might be tolerated, if conducted with fairness and equality, the practical working of the system in New York is full of evil. The contractor and the prisoner are left to regulate the matter as between themselves, with the advantage all on the side *of the contractor*. He may pay the man by the hour or the piece,

or a fixed sum at the end of the month. There is nothing to regulate the price, nor any law to which appeal may be had in case of dispute. True, there has been an arrangement at Sing Sing, whereby an account is kept of the convict's earnings, and the amount of his wages deposited to his credit, subject, under certain regulations, to his order, page 397. There is, however, no method to prevent the contractor or his agents from paying by collusion sums of money directly to the prisoner, or from furnishing forbidden articles of food and the like. The testimony from all the prisons is clear and unequivocal to the effect that this is often done.

The *general* influences of the system have been sufficiently noticed. A word may be added as to some particular evil effects growing out of the eagerness of the contractors or their servants to obtain, at all hazards, their illegitimate profits. Small tasks are sometimes given to the convict, so that he may earn a large amount of overwork, the profits of which might be shared by the clerk or foreman. Disputes often arise between contractors and the prisoners as to the value of overwork and the mode of payment, which are attended by much ill feeling. These controversies have a disturbing effect upon the discipline. They usually end in favor of the contractor, as the word of the prisoner is not deemed to be reliable. "Overwork" furnishes facilities to the prisoner for escape. All the convicts who escaped from Auburn in the fall of 1865, and were recaptured, had money on their persons, which, in direct opposition to the rules of the prison, it is morally certain, was paid by contractors for overwork. (Page 426.)

(3.) *The influence of the Contractors on the Warden, Inspectors and other Officials.*—It is evident that any effective system of prison discipline demands perfect independence on the part of the warden and inspectors from all irregular extraneous influences. Steadiness of management is of the highest consequence. As long as fixed notions of morality govern the action of the keepers, the contractor is powerless for wrong, whatever his disposition may be, or however much his supposed interests call for injustice to the prisoner. The contractor, under such circumstances, naturally applies to persons in authority, when a keeper may be appointed who follows out his views. To any person who is willing to make use of such means, the great objection to a keeper is not his *want* of experience, but his desire and purpose to carry

into practical effect, the rules laid down by the authorities for his government. It is therefore to be expected that many officers who understand the state of the case, have learned that the easiest course for themselves is to make the interests of the State and its prisoners, subordinate to the will of the contractor or his agent. If the keepers are thus made, by outside pressure, to bend from the course which they have deliberately marked out for themselves, they lose their self-respect, become vacillating and servile in their conduct, forfeit the respect of the prisoners, and thus conduct the prison as the external power exercising the pressure requires. The evil steadily increases, until, as an experienced officer testifies of Sing Sing, the discipline grows more and more lax year by year.

Do the contractors in our State prisons exert this baleful power over both officers and inspectors? Such, we are pained to say, is the testimony of the witnesses. Thus says Mr. Hubbell, who is exceedingly competent to speak, and who has made the whole subject a careful study: "The contractors have very great influence over the management of our prisons." Their power he conceives to be derived from four sources: knowledge, interest, money and political influence. By *knowledge* he means the experience derived from their long acquaintance with prison affairs, while the keepers are changed every year or two. The only permanent persons who remain about the prisons, amidst all the mutations of politics, are contractors. To them new and inexperienced keepers go for instruction in their duties. By *interest* he means that while the contractor is working steadily and with his utmost intelligence to advance his pecuniary interest, he easily out-generals the shifting and temporary officers who understand and care little for the advancement of the welfare of the prisoners and the State. But the principle source of their power is their great *political influence*. They take a prominent part in politics, are present at nominating conventions, aid in the Inspector's election.

Under these circumstances, what would be the result if one of these contractors, fresh from the heat and excitement of an election, in which he has spent his time, and, very likely his money, to promote the success of his candidate, solicits the man to whom he has given place and position for the appointment of guards and keepers who shall be his instruments and tools? Can there be *any doubt* of it? We are told, what we should anticipate, that *they very often succeed*. Nay more, they even cause the removal



of subordinates whom they cannot control, and have their places filled by their own pliant creatures.

The witness goes so far as to say that in his opinion, *if the contractors would combine, they could at almost any time induce the inspectors to remove a warden who for any reason was obnoxious to the contract party.* In this opinion Mr. Luckey coincides. (Page 481.)

Another mode in which the discipline is unfavorably effected is this: The friends of convicts, after their conviction and before they are put in prison, make arrangements with particular contractors to get such convicts placed upon their contracts, who favor them in their work and in other respects, receiving money as a consideration for indulgences. (Page 407.)

Such is the influence of contractors over the State prisons of New York. Those who know Mr. Hubbell would be willing to rest these most disparaging statements upon his testimony alone. For the sake of others, it may be added that a number of witnesses concur substantially with him. In fact, the matter is notorious. No man who knows anything of prisons can shut his eyes to it.

The principal keeper at the Clinton prison, Mr. John Wallis, says briefly, that the contractors interfered with discipline, by causing keepers to be dismissed, and others to be appointed in their place, p. 417. So Mr. Augsbury, "the system admits of contractors who are politicians, exerting a great influence over inspectors, who are likewise politicians, and members of the same party, and whose election they have aided." So Dr. Button: "contractors are often politicians, and hence have power to control removals and appointments,"

But it is unnecessary further to multiply testimony. There is strong reason to believe that contractors are often so determined to carry out their views, that when the potent agencies which have already been detailed, fail, they resort to bribery of keepers, either by the payment of money or the gift of valuable presents.

To a large number of the witnesses the question was distinctly put, whether the contract system is consistent with or antagonistic to the interests of the prison, as a penal and reformatory institution. The answer, in every instance, was that it is not consistent with the true interests of the prison. They agreed that it is antagonistic in every way; that it is opposed to good discipline; that it is opposed to the pecuniary interests of the State; that it



is hostile to the education of the convicts, as well as to their moral reformation, although by the persevering efforts of many excellent men, much good has been done in spite of it. The strong impression left on the minds of the convicts is, that the whole design of the prison system is to make money out of them, and that impression appears to many who are not convicts, to be a just one. The prevailing idea is well expressed by Rev. Mr. Canfield, who, when asked whether the reformation of prisoners was the primary object of the administration of Clinton prison, whose industries are mainly directed to the manufacture of nails, replied: "I think reformation is not made the primary object, for in that case, men would be the product. The main object here has seemed to me to be to make *nails* and not *men*."

Shall the people of New York continue this corrupting system any longer?

Not if the views of the witnesses are to have any influence.

It is true that the warden of the Massachusetts State Prison, at Charlestown, testifies that the contract system in that State is so managed and controlled as not to interfere with the discipline and reformatory power of that institution. He, however, adds that they have been peculiarly fortunate in having contractors who have shown an interest in the prisoner, independently of what they might make out of him. Such has not been the good fortune of the New York prisons. The Massachusetts experience must be deemed exceptional and peculiar, depending partly upon the character of the contractors, partly upon the vigor and energy of the warden, and largely upon the exclusion of political influences from the control of prison affairs. Mr. Haynes is of opinion that the contract system is injurious to discipline in nine-tenths of the prisons where it exists; and his opportunities for observation have been wide and uncommonly favorable.

## PART II.

### THE INFLUENCE OF POLITICS UPON PRISON DISCIPLINE.

It is somewhat difficult to separate the testimony upon this point from that which has been heretofore examined concerning contractors, so closely are the two topics connected. There is, however, a strong political influence pervading our prisons, which would, no doubt, prevail under the present organization, even *though the contract system was abandoned*. The evidence upon *this point will now be summed up*.

In order that it may readily be understood, a few words of explanation concerning the prison organization will be necessary. The Constitution of the State provides that there shall be a "Board of Inspectors of State Prisons," consisting of three persons, who have the appointment of the warden and other officers, and the general superintendence of these institutions. They are elected by the people for three years, and are so classified, that one goes out of office every year.

The political influence to which the witnesses refer, grows out of the facts that the whole management of the penal institutions is by this system made the foot-ball of party.

What, looking at the subject theoretically, would be the natural results of such a system? Would it not be anticipated that the inspectors would be selected with a view to party exigencies and not with an eye to their fitness for the performance of their duties? Would they not be likely to displace men of an opposite party whom they found holding official positions, and appoint in their places men of their own political views? Would the qualifications of these appointees be regarded or their political availability? Would not, in this way, inefficiency creep over all the departments of prison management? Would not the wardens and under officers take but little interest in the institution when the tenure of office was so insecure? Would not the under officers connive with the prisoners and furnish them forbidden privileges for the money which they have earned by overwork? Would not the prison tend continually more and more to become a seminary of vice rather than a school of reform?

The answer to these questions must be sought in the testimony. It appears that the conduct of the prisons is in the interest of politicians. Whenever the majority of the Board is changed from one political party to another, it is the practice to remove nearly all the officers and to fill the vacancies with others who, in most cases, have no experience in prison management. The subordinate officers are frequently appointed without ever having been seen by the inspectors on the recommendation of politicians. Even though the political character of the Board is not changed, the new inspector demands his share of the offices. Existing officers must be removed to make vacancies, and the usual course is to displace those who have been longest in the prison and have valuable experience, and to put in their stead men who are untried, and frequently wholly unfit for the discharge of their duties.

The *intelligence* of some of these men is well illustrated on page 388 of this report." A man was appointed at Sing Sing as keeper at the advanced age of sixty years, who had failed in all other business. When placed upon duty he would apply to the prisoners for instruction. He could not be trusted to lock up a company of men, for want of the necessary intelligence, and the convicts would constantly make sport of him. At mid-day one of the prisoners stole the old man's coat from his desk and made his escape from the premises. When he found the man was missing, instead of giving the alarm at once at the office as directed by the rules, he went to a fellow keeper and informed him, requesting him to keep still about it, as he did not wish any one to know that his coat had been stolen!" Other instances of a like nature are detailed. Under such circumstances a warden has found it necessary to notify the inspectors that he would not be responsible for the safety of the prisoners if they did not reverse their action and appoint more suitable men.

The natural effect of this system on the discipline of the prisons is to disturb and almost destroy it, and to keep our penal institutions in constant confusion and turmoil.

The shortness of official tenure causes the best men to decline to become candidates for official positions. It so happens that the choice of the inspectors becomes narrowed by the very course which they adopt. The changes in office are commonly made in mid-winter. The operation of the system is thus described: "The newly elected Inspector comes into office January first. A man from a distant county is appointed. He comes on, leaving his family behind him. The following May he removes them to Sing Sing. The next January, if the opposite party chance to succeed at the election, he is immediately turned out," even at the greatest personal inconvenience. Of course, it cannot be expected that men of character, fit for the position, will submit themselves to such hazards. The consequence is, that for these different reasons, many very unfit men are appointed. The chaplains and others maintain that the influence of the officers upon the convicts is often deleterious. They are, at times, so obviously intemperate, that the prisoners complain of it. It sometimes happens that the keepers are gamblers, and men of immoral habits, and have formerly had vile associations with the very persons whom they are set to guard, and in whose reformation they *are assumed to aid*.

Even though the men who may be selected are persons of average intelligence, and respectable in character, the frequent and arbitrary changes produce a deleterious effect upon discipline. The prisoners are, in many cases, shrewd and intelligent. They study the new keeper's character diligently and with discrimination. They discover his weak points, and obtain such an influence over him as to control him to their own advantage. Perhaps they steal from the contractors, and make a present to him of the subjects of the larceny; or they may buy articles of the keepers at extravagant rates. The low character of the officers causes them readily to yield to the solicitations of the prisoners presented in so attractive a form.

While the downward tendency of the present system is so strong, and the prisoners are subject to the control of inferior men, all the witnesses concur in the statement that the interests of our penal institutions demand men of positive, even of rare excellence. The proper qualifications of a prison officer are thus described by one witness: "He should be a man of strict integrity, free from all bad habits, have a ready business turn of mind, possess a quick perception and a good knowledge of human character, be even-tempered, never show fear or anger, be governed by a spirit of kindness in all his actions, and should have the ability to secure the respect and confidence of all the men placed under him. (Page 389.)

Now with this noble and most truthful description compare the lean and beggarly performance in the institutions of New York. It must not be understood that what follows applies to all officers. There are many honorable and distinguished exceptions. But the men of the class described are too numerous. These witnesses brand some prison officers as dishonest, the victims and panders of bad habits, with no business tact or ability, obtuse and easily imposed upon, morose, passionate and revengeful, without true kindness, the embodiment of selfishness, and shunned and scorned by the bad men over whom they are placed. Behold every necessary virtue turned into vice, and every desirable excellence converted into a blunder or a fault. It would be too much to expect under any system that there would be no bad keepers. Ordinarily, when discovered, they would be weeded out. The place would be uncongenial to them and they would depart. Under this system they are produced and found every-

where. There may be some wheat, but there is certain to be an abundance of tares.

We cannot perhaps sum up the whole subject in better terms than those which are employed by that veteran and distinguished officer, Amos Pilsbury, after his forty years experience. "From my own experience, and from all that I have gathered of the experience of those who have made prison discipline the study of their lives, I think it may be set down as an established truth that politics and prisons are incompatible with each other. Whether it regards pecuniary results, or the moral training or reformation of the culprit, the bestowment of office as a prison keeper or director, on mere political or party considerations, will always end in disappointment and unsucccess. \* \* As it now is, where the office of State Prison Inspector is elective, and merged into the general political questions and machinery of the day, the people may once in a great while *happen to stumble* upon the right man for the right place, but it is much like a lottery, in which the blanks immeasurably predominate." (458.)

Mr. Hubbell, who has recently visited the English prisons, contrasts their modes of appointment of officers, and the tenure of their offices with the theories which prevail here. It is stated that in all county and borough or city prisons, the appointing power is in the hands of boards of county magistrates. In the convict prisons, answering to our State prisons, the appointing power is in the hands of a local board of directors. Subordinate officers are put on trial for six months, during which a record is kept of the method in which they discharge their duties. If their conduct is approved, a formal appointment is made on the recommendation of the governor of the prison. The tenure of the office is during good behavior, and provision is made for their subsistence after they become superannuated or otherwise disabled. It is believed, as would naturally be expected, that this method results in securing an excellent class of officers, the warden being also selected in the same general way. As the situation of prison officers is permanent, well paid and respectable, a superior class of men are eager to accept the position. In an instance which is mentioned, seventy persons of long experience and proved ability in prison management, were candidates for the post of governor of a penal servitude prison.

Whether the particular plan of the English prison system should *be adopted* is a matter of little importance. Only the principle

which underlies it is contended for, that the office should be wholly removed from politics, be permanent and well paid.

### PART III.

#### DEFECTS IN THE MANAGEMENT OF OUR PRISONS.

Some portion of this topic has been anticipated in examining the evidence upon the contract system and upon political influence. There is, however, an important class of defects attributable to our faulty prison system, and which would exist even though the prison industries were conducted by the State, and politics were entirely excluded. In fact, it is plain that as soon as our community can be educated to understand and to take interest in the management of prisons, the whole theory on which they are now conducted, must be discarded, and a more rational and philosophical system must be adopted.

In treating this topic, no attempt will be made to indicate the specific causes of the defects which will be noticed, whether derived from the contract system, politics, or whatever cause, but the evils which plainly present themselves, will be grouped together. For the sake of convenience of reference, they will be numbered.

The prison system of New York, then, is arraigned by the witnesses before the bar of public opinion, for the following causes:

(1.) It is organized without reference to the interest of the State, and in opposition to the theories of the present advanced state of penal science. When carried out in the most complete manner of which it is susceptible, it is simply a device for supporting the prisoners, and saving the State from pecuniary expense. Its best supporters make no claim to the improvement of the prisoner's character as a primary aim of prison discipline. The inmates of our prison have no stimulus to do anything more than to render a passive unresisting obedience to prison rules. To this they are urged by the "commutation system," whereby the term of their imprisonment is shortened by "good *prison* conduct." But of that higher aim whereby the State seeks to reform the character from its foundation, and to induce the convict "to go and sin no more," our prison system knows almost absolutely nothing.

To many it may seem chimerical to expect anything more than good "prison conduct." They believe that when the prisoner's



sentence has expired, he is to be turned loose upon society to commit his former crimes. Yet, if this result is quite certain or likely to follow, why should he be discharged at all? A number of the experienced witnesses do not adopt any such view. They think that the prisoner, under right influences, may be reformed. When Mr. Haynes was asked his opinion as to the possibility of reforming convicts by a judicious, humane and kindly treatment of them, he said that he had no doubt that eighty per cent can be reclaimed. It is clear, however, that under the existing state of feeling, but little can be done. Reformation is nearly everywhere made a secondary consideration. Yet it is clear that as a mere matter of political economy the State ought at once to reverse its present theories and make reformation the principal object of its whole scheme of discipline.

(2.) No provision is made for the temporary support of the discharged prisoner. He may be ready to lead an honest life, but he has in general no means of doing so. Often he has acquired no trade by the exercise of which he may become self-supporting. If he has such a trade, he is turned loose upon society, with no means of following it. The rooms of the N. Y. Prison Association, it is known, are constantly resorted to by these men, who receive such scanty aid as can be afforded from its indefatigable agent, Mr. Beal. What is needed is a regular system of supply for that class of persons, so that they may have the necessary tools and implements of labor, and sustenance during their unsuccessful efforts to obtain employment.

(3.) The official management of the prison fails in a great measure to accomplish the imperfect and narrow ends for which it is designed. It is pecuniarily expensive, it is inefficient, oppressive and corrupt. The officers are, in many instances, unfit for their position; the morals of some of them are not much better than those of the convicts; they take little interest in the performance of their duties—good men are weighed down by the burdens and incumbrances of the system. There is little interest on the part of the public on the subject. It is deemed by many to be enough if the bad men who are convicted of crime are simply out of the way. Before conviction the criminal is the subject of interest—often he excites sympathy, at other times awakens terror or causes horror; after conviction, he is in general forgotten, or if remembered at *all*, is the subject of aversion and loathing. He has the brand of *the law upon him*, and the treatment which he receives is regard-



ed with apathy. The want of interest on the part of the public reacts on the officials. They care in general but little for the reformation of prisoners. The theory of reformation is laughed at and scouted by the keepers, and treated as altogether a visionary thing.

(4.) Among all these men is a class of persons who have no real connection with the prisoners or the system. They are present to promote their own interest without reference to the welfare of the prisoners or of the State. They too scout and scoff at reformation; their sole business is to "buy and sell and get gain." They thwart the efforts of well meaning wardens; they corrupt the corruptible; they eject the honest; they or their agents lead the prisoner to violate the prison rules and to adopt a course of deception and fraud. Fraud without and fraud within—such is the convict's life.

With all these causes combined, an inadequate and unworthy theory of discipline, inefficient and corrupt men to conduct it, an indisposition by the people to make improvement, and contractors eager to suck out the feeble life which the discipline possesses, can we wonder at the continuance and increase of crime, and that our prisons are so overcrowded that there is a necessity of constructing additional buildings, or rather of organizing new institutions? Should these evils continue, there is reason to believe that the number of prisoners will still more rapidly increase.

It is due to the witnesses to add, that in all their criticisms upon the evils of our prison management, they make no reflections upon the conduct of the present board of inspectors. They have shown a laudable zeal and desire to promote, according to their best judgment, the interests of the penal institutions under their charge. They took a step which was very gratifying to the friends of reform, in withdrawing Clinton prison from the contractors, and carrying on the industries through the agency of the warden—a change which has already shown a favorable financial result, and is in every way creditable to the sagacity of the men who promoted it. What the witnesses attack is the present *system* of management in its length and breadth. No men, however earnest, can make it good; unprincipled men have made it, and may again, insufferably bad. The correct mode of examining it, is to look at it sworking through a series of years, to regard its average results and its possibilities in the years to come. Regarded in this way, and *without reference to individual men*, the testimony is in one direction.

## PART IV.

## SUGGESTIONS AND RECOMMENDATIONS.

The commission was favored, in this respect, with the opinion of men of great experience, concerning the true theory of prison discipline—the class of officers who should have the charge of convicts—the permanency of their tenure—the mode of appointment—the proper superintendence which should be exercised—the manner in which the industries of our penal institutions should be conducted, &c. Their views submitted, are presented in a condensed form.

DIVISION I.—*The true Theory of Prison Discipline.*

The opinions of Mr. Sanborn, of Massachusetts, and Mr. Hubbell, of this State, are especially worthy of notice, as each of them has paid particular attention to the subject; one of them having made the subject of prisons a careful study, and the other having had a favorable opportunity to observe the management of penal institutions abroad. All of the witnesses have made valuable remarks upon the general subject.

The theory of prison discipline which at present obtains most favor, has received practical application in the well known system of Irish prisons. Its chief merit consists in an effort to renovate the prisoner's character. To that end a series of appliances and influences are resorted to, based on good sense and reason, and sanctioned by the teachings of experience. The prisoner is regarded as a man to be swayed and trained as other men are. He is first shown that the legitimate fruit of detected crime is privation and suffering. He is then, by degrees, relieved from the stringency of his confinement, being allowed as much liberty as the circumstances of the case admit, consistent with his moral training. He is tempted like other men; but care is taken that it shall not be beyond what he is able to bear. Finally, he goes at large, subject however, to the revocation of this privilege, if he shows himself unworthy of it. After a fixed period, the prison surveillance ceases; he is restored to society to assume, if he will, a position of respectability and honor.

Its details may be briefly specified. Its first stage is total separation of the prisoner from his associates. For the first eight *months*, the rule of separate confinement, day and night, is *carried out*. Then he is removed to a prison conducted on the

congregate plan. In this stage, the prisoners work together during the day, and are separated at night. The third stage is called an "intermediate prison," in which the convicts are not separated either by night or day, nor are they locked up or strictly guarded. The fourth stage is their discharge on "ticket of leave," or, in other words, a conditional release from confinement; and the fifth is their final discharge. The time occupied by the prisoner, in passing through these successive stages, depends partly on his own conduct, and partly upon the length of the term of his sentence. There is a peculiar system of merit marks, originated by Captain Alexander Maconochie, and applied with material modifications and admirable skill by Sir Walter Crofton, which serve both to secure an abbreviation of the imprisonment and other mitigations of sentence. Page 356.

A full description of the practical workings of this scheme, with the opinions of prison reformers, will be found in Miss Carpenter's work, "Our Convicts," and in other publications mentioned in the minutes of evidence.

Such is the substance of the Irish system. The particular mode in which these ideas are carried out, need not be literally followed. There is every reason why we should grasp its main thought that the prison should be truly reformatory. Many still confound a desire for reformation with mere sentimentality. Nothing can be further from the Irish, or, as we may properly call it, the true theory of reformation. This not only permits but *demand*s that the prisoner should suffer for his crime. Through this suffering, only, it perceives the road to improvement of character. Carried to its legitimate extent, it requires that the prisoner should remain in confinement more or less close, until his reformation is achieved, though that should continue throughout his life. These unworthy members of society should be restrained until their manhood is regained. It may be that all the machinery of the Irish system is not adapted to our country. It may not be feasible, as many wise men suppose, to allow the convict to go at large conditionally, or upon "ticket of leave." This and other specific provisions need not necessarily be adopted. It will, however, be a great day for American criminal government, when the principle is adopted and steadfastly adhered to, that the great aim of our penal institutions is not to make money or to save the State pecuniary expense, but to graduate men from prisons in a manner educated, trained in a trade, steady and reliable in character, and with sufficient intellec-

tual culture to enable them to feel an interest and pleasure in the pursuit of knowledge.

This result can be accomplished, no doubt, so as to leave the prisons self-supporting. But even if it cannot be, what is the trifling expense to the State compared with the great gain? Many millions are now lost by larceny, robbery and fraud, a large part of which would be saved if our prisons were properly conducted. While we firmly believe that, on the whole, the State is a pecuniary gainer, whenever it adopts the basis of the Irish theory, we must protest against the niggardly principle of making the money results achieved in prison management, the criterion of success. We rather believe that some of the most lamentable failures are those where the most money is made.

*DIVISION II.—The Officers who should have charge of the Convicts, the Tenure of their Office and mode of appointment.*

The evidence has already shown the kind of men, in general, who should have the care of our prisons. A few specific remarks may be added respecting the superior officers.

The office of "agent and warden" is one of great delicacy, and demands a man of first-rate ability. In fact, he gives tone to the entire institution; and one experienced in prison affairs, can commonly judge of the prison without seeing it, by an interview with the warden. His duties are arduous, and require a man of good judgment, firmness and experience. "A warden without experience is placed in the position of a colonel commanding a regiment, when his subordinates know much more of his duties than he does." Page 426:

The tenure of his office should be permanent. He should be appointed, according to some, by the Supreme Court; according to others, by the Governor and Senate. He should not be removed without cause. An excellent lesson may here be learned from the course of our sister State, Massachusetts. For many years the warden of her State prison has been retained, notwithstanding the mutations of party politics, till for sagacity, true kindness, firmness and ripe experience, he ranks foremost among prison officers in the country.

The other principal officers, the chaplain, physician and clerk, should derive their appointment from a source independent of the warden, and should only be removable for cause. This remark is particularly to be applied to the chaplain and clerk. There have

been cases in which the chaplain has been removed at the dictation of party. All the other officers should be appointed by the warden, and be removable by him. As he is an executive officer and responsible for the conduct of his subordinates, he should have the same control over them as other executive officers such as sheriffs, have over their deputies. Though the exercise of such power might be distasteful in some instances, to the warden, the good of the institution requires that he should exercise it. Under such regulations, with proper compensation, most worthy and suitable men could, doubtless, be secured. There is abundant reason to believe that there are men of great ability in New York who would sacrifice profit and position in other callings for the sake of a fit opportunity of aiding to redeem our prisons from the low condition into which they have lapsed.

*DIVISION III.—The proper Supervision which should be exercised over the Prisons.*

It is agreed that the Constitution of the State should be so altered as to abolish the clause providing for the election of inspectors by a popular vote. What authority should be substituted in its place is not altogether clear, the witnesses differing in opinion. One experienced prison officer (Mr. Hubbell) thinks that there should be a board of local inspectors for each prison, and he would, besides, have an Inspector General of State Prisons. Another (Mr. Lanehart) would have a prison bureau established at Albany, and a superintendent appointed, who should have the general oversight of all the prisons, and whose whole time should be devoted to the work.

The details of the mode are not so important as the point, that the prisons should be removed beyond the domain of mere political changes. Says Mr. Hubbell: "no person having anything to do with the prisons should be elected by a popular vote;" p. 406. Says Rev. Mr. Ives: "I think that our State prisons should be as free from all subjection to party control as the Insane Asylum at Utica, and other kindred institutions." Page 421. To the same effect is the testimony of Mr. Wade; p. 439. Says Mr. Seymour: "There must be such a change in the Constitution as will remove the government of the prisons from the control of partisan politics, and give permanence and stability to their executive administration. Nothing less radical than this will effect the desired change." Page 465. Remarks of Mr. Luckey, to the same effect, are found on page 478.

It is thus the firm conviction of these and other competent persons, that no reform worthy of notice can take place until this one result is achieved. While inspectors are thus liable to change from one party to another, no *system* of discipline can prevail. Severity will alternate with mildness; kindness, in its turn, will be superseded by severity.

This tendency to oscillate between barbarity and humanity receives excellent illustration in the prison at Sing Sing. In 1839, Robert Wiltse was in charge. Fear and force were the only principles employed in governing the male convicts. There was no incentive to obedience, diligence and skill in the performance of duties. Cruel and unjust punishments were inflicted. Labor was made irksome. Escapes, or attempts to escape, were of almost weekly occurrence—the convicts preferring death to despair.

In 1840, a change came over Sing Sing. D. L. Seymour was appointed warden. His intercourse with the convicts was humane, forbearing and just. He looked after the sick, and took part in religious exercises, passing from cell to cell, delivering tracts, organizing Sabbath schools, with convicts as the teachers. The prisoners became orderly, work was cheerfully performed, and the prison of Wiltse was altogether changed, even to his own satisfaction.

Then there came a new Board of Inspectors; and, in the revolution of affairs, Seymour disappeared, and Elam Lynds took his place. No more Sunday schools, tracts and moral appliances. Force and fear were the aids of the new ruler. Then came back cruel punishments, and with them insubordination, multiplied escapes, and the old despair.

Elam Lynds is now relieved, and Hermon Eldredge takes his place. He is much better than Lynd, but not so good as Seymour. There is no more barbarity, but not the thoughtful, wise and considerate management, which prevailed under Seymour's administration.

But Eldredge having disappeared from the scene, in 1857, the old barbarity returns under Mr. Beardsley in the most aggravated form. The most inhuman punishments were resorted to. Dr. Luckey says: "a horrid instrument was used, called the pulley, by which a man's arms being tied behind his back, he was by them hauled up so as to stand on tip-toe, and then as his head would naturally hang down, the officer would strike his forehead with a *cane or club*, telling him to hold up his head. \* \* I heard the



piercing and unearthly groans which were often occasioned by it, and it seemed to me, sometimes, as if the very life of the victim was being wrenched out of him." More of the same sickening detail is found on page 476. Nixon reports of the same administration, that there was a vile ingenuity in varying punishments, apparently for the sake of variety. Page 379.

But the weary years went round, and Beardsley in his turn disappeared.

Then Gaylord B. Hubbell became warden in 1862. These were the golden days of Sing Sing. A man of the same views with Seymour, his merits shone conspicuous on the background of Beardsley's government. His administration was based upon reason, justice and firmness, tempered with kindness. He aimed to become personally acquainted with every convict, and to study his individual character. He set apart an hour every day to hold conversation with such of the convicts as desired to communicate with him. Here he was informed of plans of escapes, of combinations for revolts, of violations of rules by officers, of overreaching and fraud by contractors' agents. He was the prisoners' friend, as well as a firm and judicious governor, and *rarely was he deceived by them.*

But all these merits, and many more, could not save Mr. Hubbell. The political wheel revolved, and his days were numbered.

Such is the history of Sing Sing for twenty-five years. The wise and foolish governors have almost alternated. It is only five years since the close of Mr. Beardsley's administration, and according to "the *law* of disorder" which has heretofore prevailed, the next change is likely to bring back a successor to Wiltse, Lynds and Beardsley.

What is wanted to give stability to the management of our prisons, is that they should be supplied with competent wardens, who shall no more go out of office in the event of a political election than the superintendent of an insane asylum or the president of a college. But in order that this result may be reached, the board of appointment must itself be stable, and have no friends to reward or enemies to punish. The advocates of this doctrine, almost without exception, look forward to the coming Constitutional Convention to bring order out of the present confusion by committing the superintendence of the prisons to men wholly devoted to the interests of the convicts and of the State. If this can be done, they will be content with any mode of appointment,



whether it be by some branch of the judiciary or by the Governor and Senate.

DIVISION IV.—*The Prison Industries.*

The unanimous opinion of the witnesses that the contract system should be discarded, led them to express their views as to the mode of managing convict labor. This might be either by adding to the duties of warden that of superintendent of industries, or a separate officer might be appointed. The preference seems to be decided for the former course. Mr. Hubbell is of opinion that a competent warden can manage the industries of a prison much more to the advantage both of the State and the convicts than is possible under the contract system. Such officers could so direct the employment of the prisoners as to promote their moral interests, while the whole results of their earnings would accrue to the State. (Page 392.) Mr. Seymour is of opinion that when he was warden he could have managed the industries at a considerable profit. He believes that he could have paid all expenses and an annual bonus of \$10,000, and could have besides made his own fortune from the surplus earnings. (Page 469.) Mr. Pilsbury is of opinion that, in a financial point of view, management by the warden may be most successful, though he introduced the contract system into the Albany Penitentiary in order that he might give a more close attention to the care and discipline of the convicts. The contract system at the Albany Penitentiary is a very different thing from its counterpart in the State prisons, and is largely deprived of its objectionable features. In a comparatively small institution, with a local board in perfect harmony with, or rather subservient to his views, with rare energy and endowments as a prison officer, he could achieve success where in a broader field or under less favorable circumstances, failure would be complete.

However, the question under our State prison management is not whether the warden is the best possible financial agent, or whether he will make an excellent pecuniary exhibit. The plain question is, if we continue the contract system, shall we have any prisons at all? Though employment of labor by the warden may be objectionable, it is worse to endure the existing inefficiency and corruption. The recent experience at Clinton prison is highly encouraging to those who, while they insist, in any event, on a change of system, are pleased to see that the financial results are *all that could be hoped for.*

DIVISION V.—*Moral and Intellectual Training, and Opinions of Witnesses on Allied Topics.*

Closely connected with this last topic is the education of the prisoners. One great evil of the present system is that all systematic training is interfered with by the exigencies of the contract. When that plan is discarded, and the State adopts the theory that the principal object of imprisonment is reformation, it will, of necessity, adjust the apparent conflict between physical labor and intellectual and moral education. While the men shall be busily employed in work at proper times, the necessary period for other vital purposes will be allowed. Mr. Hubbell's scheme is in this respect worthy of attention and reflection. He would have such convicts as need instruction regularly gathered into a school room, in successive classes through the day, with a competent teacher appointed to give his whole time to the work of instructing them. Assistance might be rendered by the most trustworthy convicts. Those of greater intelligence he would have assembled on certain evenings of each week, to listen to familiar lectures and to engage in discussions and debates, in the manner adopted by the well known and useful Mr. Organ in the intermediate prisons of Ireland. To this should be added a well selected and well stored library.

The commission on this branch of the subject did not hesitate to avail themselves of the experience of Mr. Haynes and the reflections of Mr. Sanborn. Mr. Haynes is a strong believer in the importance of bestowing special privileges upon the convicts at suitable intervals of time. He would give them holidays in which they may associate freely together, converse or engage in active sports, at the same time adding generously to their ordinary table fare. The most happy effects have resulted, in his experience, from this liberal treatment. (Page 373.) [It is hoped that it may not be deemed out of place to say, from the personal knowledge of members of the commission who have been present on these occasions, that Mr. Haynes' account is but the sober truth. We saw all the convicted felons of Massachusetts assembled in a single yard, without any manacles or restraints of any kind, and mingled freely and conversed with them. Delicate ladies were there and young children. There was not a word or act to offend, though there was much hilarity. The men gathered in knots around us, conversing with the most animated interest. At a signal, all was hushed, except the measured tread of the men, who fell into their routine march, and the prison rules were again

in full operation.] By this means, a most powerful instrument of discipline is placed in the hands of Mr. Haynes, for he can make punishment consist in the *privation of privilege*. The insubordinate convict will generally find no worse punishment than to sit in his solitary cell, with the knowledge that his associates are in the full and hearty enjoyment of one of these holidays.

Mr. Haynes gave an outline ideal of a prison system, which will be found on page 377 of this report.

The views of Mr. Sanborn are stated at considerable length on pages 357–367. Particular attention is invited to them for their comprehensiveness and wisdom. His leading points are:

1. *Gradation of Prisons*.—By this he means the establishment of distinct prisons for different classes of offences and offenders. There should be no confinement of males and females in the same prison, or if that cannot be avoided, the sexes should be so completely separated that there can be no communication of any kind. Those who are arrested should be separated from those who are convicted; and there should be distinctions among the arrested, depending on the gravity of the offence with the commission of which they are charged.

2. Prisoners should be *classified*, not only by the law making power and the courts, but by the prison inspectors and the prison officers who have them in charge; that is, there should be a classification both in respect to offences and the character and conduct of each prisoner. Such distinctions require great good judgment and discrimination.

3. *Selection of Officers*.—First among these should be ranked the Inspectors, who should be chosen solely with reference to their fitness for the position. There might be a local inspector for each prison, as well as a general board for the entire State. Other officers should be selected for their fitness to hold the position, and should be retained during good behavior and the continuance of interest in prison officers.

4. *Means of Employment*.—These should be furnished directly by the prison authorities. The intervention of contractors should be discountenanced as far as possible.

5. *Self-shortening Sentences*.—The great error in our commutation systems in this country is that they do not offer sufficient inducements for reformation to the prisoner. The original sentence should be longer, with an increased deduction for good *behaviour*. There should be some well guarded means of *lengthening the sentence* for misconduct.

6. *A system of rewards*, made definite by the use of *accurate marks* for good behavior or misconduct. The marks are very important, and nothing better has yet been devised than the plan of Captain Maconochi. The marks should be noted down when they are earned, and should from time to time be made known to the prisoner.

7. *Instruction and Mental Occupation*.—All convicts should be taught something, and put in the way of teaching themselves. A portion of each day, as well as the evening, should be given to this duty. Education in prisons has no where been carried far enough.

8. *Prison Rules and their Infraction*.—The rules should be simple and made well known to the convicts. They should be rigidly adhered to. All cruel punishments should be prohibited by statute. Those which are permitted, should consist of loss of privileges, degradation of rank and solitary confinement.

The infliction of punishment should be under checks and guards, and there should be a definite record made.

(9.) *Conditional pardon*.—By this is meant the discharge of the prisoner, before the expiration of his sentence, under conditions which, when broken, will annul the pardon, and remand him to prison, not only for the unexpired time, but for additional periods of punishment for relapse. These pardons may be made to take the place of the "ticket of leave," under the Irish system. They would, in all probability, be far more efficacious in this country than the ticket of leave. Such pardons should be the rule, instead of free pardons, and should be bestowed, not arbitrarily, but upon the recommendation of the Inspectors.

(10.) *Aid to discharged prisoners*.—There should be a proper supervision of discharged prisoners, not only of those conditionally pardoned, but of those whose sentence has expired. In the latter case it would be simply friendly, to aid them in procuring suitable positions, to give them encouragement or a word of advice. In Massachusetts there is a State organization for aiding discharged prisoners, which has accomplished much good.

#### DIVISION VI.—*Duty of the Public towards Prisoners while under Sentence and after Discharge.*

The general duty of the public, while convicts are under sentence, is to take such interest in their welfare as to bring the pressure of public opinion to bear upon all oppression and indiffer-

ence, and to demand a thorough and kind management, and active and efficient supervision of our penal institutions. Much good can be rendered by earnest men who will seek opportunities to give the prisoners intellectual, moral or religious instruction. The duty of the public, after the prisoner is discharged, is very plain. Some clear thinkers regard society as responsible for the education of criminals in their evil courses. It is certainly true that by the prejudice which our artificial systems have excited in the minds of men, and the disgrace attending punishment, the discharged prisoner has the greatest difficulty in commencing a life of virtue. It is our plain duty to see that if a convict is inclined to be an honest man, all the artificial obstacles which have been placed in his way, should be removed. It is therefore justly held that the supervision of discharged convicts, and provision for their suitable employment, should be a part of the *prison system*, as much as the proper care of the same persons while in prison.

These general views lead to the conclusion that the State prisons of New York are still in the most imperfect condition, and that prison discipline is yet in its infancy.

The examination of the testimony has thus far been confined to the State prisons. It remains to say a few words concerning the penitentiaries. Evidence was given in respect to three of these institutions, located respectively at Albany, Rochester and Buffalo. Of these Amos Pilsbury, Levi S. Fulton and Charles E. Felton are respectively wardens.

The penitentiaries are under the control of boards of supervisors of the counties in which they are situated. Their general organization, without reference to minute differences of detail, is as follows: The supreme governing power is vested in the supervisors; between them and the warden is a local board of inspectors, consisting of three or more, who, as well as the superintendent, are appointed by the supervisors. The inspectors select the chaplain and physician. The subordinate officers are practically appointed by the superintendent (warden), and are retained in office during good behavior. The ultimate superintendence of the prisons is vested in the inspectors, who report at stated terms to the supervisors. Political influences appear to be entirely excluded from the management of the Albany county and Monroe county penitentiaries, though this is not the case in Erie county. Efforts *have often* been made in Monroe county to induce the board to *appoint the superintendent* on political grounds, but they have thus

far proved ineffectual. He has usually been of different politics from the majority of the board. The subordinate officers are there appointed without any reference to party politics. At Albany, Mr. Pilsbury accepted his position on the understanding that politics should be entirely excluded from any influence over the government of the institution. His own action in appointing and removing subordinates is in no respect controlled by any motives except considerations of good conduct and qualifications for the position. All of these institutions have superintendents who are masters of the situation, and enjoy the confidence of their inspectors as well as of the community.

The industries of these penitentiaries are carried on by contractors, but under such influences as prevent a greater part of the evils, commonly incident to the system. When contractors have no political control, an efficient and determined warden may dominate over them, for he has the support of the inspectors and of the supervisors. No argument from the tolerable working of the contract system in the penitentiaries can be drawn in favor of its retention in the State prisons. (See opinion of Mr. Pilsbury, page 459.)

The opinions of these wardens on the general subject of prison discipline are found in the report. Those of Mr. Felton are stated at considerable length, and are worthy of careful attention. He would make the main effort to prevent crime consist in the culture of youth, the establishment of juvenile reformatories, the closing of gambling haunts, houses of prostitution, &c., &c. In respect to the care of such prisoners as find their way into the penitentiaries, he makes a number of suggestions, which will be found on pages 490-92. Among other recommendations, he proposes that all prison officers should receive salaries rather than fees from the government, and be prohibited from selling to or buying anything of a prisoner, or receiving a present from him of any kind.

In closing this extended review of the evidence, the Commission cannot refrain from an expression of the deliberate opinion that the criticisms, denunciations and recommendations of the witnesses are founded in truth, and deserve to be carefully studied. It has been impossible to go into detail or even to give in the limited time at our disposal a complete summary of all the views of the witnesses. Enough, however, has been collected to show our perils and the way in which it is most probable that they may be averted. *It is to be remembered that all of the evil influences of*



our prison system are not developed. The discipline, we are told, grows more lax year by year. What will it be a half century hence if our present plan continues in vogue? We, too, like most of the witnesses look forward with eagerness to the coming Constitutional Convention for relief. If it is there denied, we shall feel that the members of the New York Prison Association have done their utmost to bring the prisons of New York up to the line of the expectations which have been entertained of them by the friends of humanity.

Should our hopes be disappointed, we are sure that it will not be on account of the demerits of our cause, but simply because our voices cannot reach the people. We are certain that if the men of New York can only know and appreciate the condition of their State prisons, they will no longer tolerate them in their present condition, so unworthy of our civilization.

We can only regret that the humiliating disclosures of this testimony only form part of an official report, soon to be laid away on the shelves of libraries, and valued only for reference. The facts here detailed should be in the hands of the people. They should become the theme of the lecture room, the newspaper, the review and the pulpit, until the public sense is aroused, and the denunciations of prison abuses are so loud that politicians will retreat from the field, and the friends of rational reform gain undisputed control.

|                     |   |                       |
|---------------------|---|-----------------------|
| THEODORE W. DWIGHT, | } | <i>Commissioners.</i> |
| E. C. WINES,        |   |                       |
| JOHN H. GRISCOM,    |   |                       |
| F. W. BALLARD,      |   |                       |
| JOHN A. BRYAN,      |   |                       |
| EDMUND COFFIN.      |   |                       |

OFFICE OF NEW YORK PRISON ASSOCIATION, 38 BIBLE }  
HOUSE, NEW YORK, *January 1, 1867.* }

MINUTES OF EVIDENCE ON PRISONS AND PRISON DISCIPLINE, TAKEN BEFORE A COMMISSION OF THE PRISON ASSOCIATION OF NEW YORK, UNDER THE AUTHORITY OF A JOINT RESOLUTION OF THE LEGISLATURE: 1866.

NEW YORK, *August* 10, 1866.

FRANKLIN B. SANBORN *was sworn and examined:*

1. Where do you reside? In the State of Massachusetts.
2. What office do you hold in connection with prisons, and how long have you held such office? I am secretary of the Board of State Charities in Massachusetts. I have held that office since October 1, 1863.
3. What are the functions of that board? Among other duties, to supervise the correctional institutions of the State and of the counties of Massachusetts. My own duties embrace the collection of statistics relating to these institutions, and for that purpose I have acted as inspector of prisons, and have visited all of them once, and some of them several times, a year.
4. What, in brief, is the penal and correctional system in Massachusetts? It is a system more complicated and much more developed, I think, than will be found in most of the states of the Union. Some of the states have only county prisons. Many of them have both county and state prisons. Massachusetts has two entirely distinct classes of county prisons; one, the jail, in which prisoners do not labor, where they are generally awaiting trial, or are detained temporarily after sentence before transfer to some other prison in execution of sentence. These two classes of prisons have existed in Massachusetts for about 40 years, but the distinction between them was not well marked till about 25 or 30 years ago. In the house of correction, the inmates are required to labor. This class forms a peculiar feature of the prison system of Massachusetts, which does not exist in any other New England State. All female prisoners in Massachusetts are sentenced to the county houses of correction, or to the houses of industry, which are much the same thing, under another name, except a few who are sentenced (generally for minor offences) to the county jails. No females are sent to the State prison. None have been sent to the State prison for nearly 50 years. The houses of correction and the jails, although kept distinct by the law, are in the same

enclosure, and under the same management. They are also fed from the same supplies. We have one State prison, and this, as I have said, receives only male prisoners. This institution seldom receives a prisoner under the age of 15. Juvenile delinquents of both sexes are provided for in State reform schools, of which there are three; two for boys and one for girls. Boys may be received in these schools up to the age of 18, and girls to the age of 16. There is no law to prevent the sending of boys to the State prison; but the existence of these reform schools operates to keep all boys, with scarcely an exception, out of the State prison. The sentences to the reform schools are during minority, but are seldom executed to that extent, as their inmates may be discharged at the discretion of the managers, who are constituted and are called "trustees." One of these reform schools is nautical, and is on board two ships, one stationed at Boston and the other at New Bedford. The period of detention on board ship averages less than one year. The average detention in the other reform schools is between two and three years. There are two private establishments, aided by the State, which answer the purpose of female refuges, that is, homes for the reception of discharged or pardoned female prisoners. These have been very recently established; one of them is at Dedham, and the other at Springfield. I regard such establishments as essential aids to society, and I think the State does well to assist them with contributions from the public treasury. For discharged male prisoners there is a fund contributed partly by the state, and partly by private individuals, to aid in procuring employment for them, or temporary subsistence on their discharge. The state officer who has charge of this fund is called the agent for discharged convicts. These and the refuges I consider very important supplements to the prison system. There are several private reform schools, which are not, as yet, aided by the state. The largest of these is a catholic reformatory in Boston, with a capacity for 300 to 400 boys. It is under the control of the bishop of that diocese. There is another and the oldest of our reformatories, called the farm school. It contains about 90 boys. It is situated on Thompson's Island, in Boston harbor. There is also one at West Newton, containing a family of about thirty boys; and another incorporated but not yet established, at Salem. These are all sustained by private charity; but the proposition has been made, and is gaining favor, *to aid them from the state treasury.* There is still another class

of reformatories called truant schools. The oldest one in the State is the Boston House of Reformation, established in 1827, and accommodating about an average of 200 pupils. Other schools of this class exist in Roxbury, Cambridge, Worcester, Springfield, Lowell and New Bedford. These accommodate, altogether, about 200 more. They are supported entirely by the several towns and cities, which send pupils to them, the practice being to send, occasionally, truants from towns which have no such schools. As a general rule, they are sent by police authority. Provision has been made by law for county houses of reformation to receive children of the same class. None of these have yet been opened. I think I have now mentioned all the establishments, which belong to our penal and correctional system, except it may be the guard-houses. They are called by our statutes "lock-ups." Each town of 3,000 inhabitants is required to maintain at least one. This law, however, is not generally complied with. The number of prisons of this class is something over 100.

5. Have you in Massachusetts any central authority which has the control and management of your penal and correctional institutions? A. There is no central authority having such control. The Governor and council, the board of State charities, and committees appointed by the Legislature, have more or less supervisory duties to perform; but there is no such board of control as that which exists in Canada.

6. What is your opinion as to the propriety and utility of a central authority, having general control of all the penal and correctional institutions of a State? I consider a central board of commissioners to inspect and prescribe rules for the prisons, to regulate and control their architecture, to secure uniformity in their discipline, and to report upon their condition, an indispensable part of any prison system; and this inspection, in my opinion, should extend to every kind of prison, including reformatories and guard-houses.

7. Have you given any attention to the prison system of Ireland? If so, please state its principal features.—My knowledge of that system is derived from reading, and not from observation. The principle of the Irish system seems to be, to make punishment subordinate to reformation. This principle is carried out by allowing the prisoner to shorten his own sentence, it being supposed *that the power of shortening his sentence is one of the*

strongest aids to reformation. The devices by which the prisoner's sentence is shortened for good behavior are too minute to be conveniently stated on such an examination as this; and I do not regard them as necessarily the best. But the theory on which they proceed seems to have been fully justified by their results. Under the Irish system, the prisoner appears sincerely to desire what the prison officers desire for him, and he remains in this state of mind long enough to make it a habit. In other systems, the impulse for reformation is fitful; or, if continued, it is apt to degenerate into hypocrisy. In the Irish system, the motives are so varied and strong that virtue becomes a habit, the same as it does with men outside of prisons. The first stage in the Irish system is total separation of the prisoner from his associates. For the first eight months, the system of separate confinement, day and night, is carried out. After that, he is removed to an associate or congregated prison. In this second stage, the prisoners work together during the day, and are separated at night. In the third stage, called the intermediate prison, they are not separated by night or day; nor are they locked up nor strictly guarded. The fourth stage is their discharge on ticket-of-leave, and the fifth their final discharge. The time occupied by the prisoner in passing through the successive stages, depends partly upon his own conduct and partly upon the length of the term of his sentence. They have a peculiar system of merit marks, which serve not only to secure an abbreviation of the imprisonment, but other mitigations of sentence. This mark system originated with Capt. Alexander Maconochie, and was used by him at his prison at Norfolk Island, in the Southern ocean. This system, as developed by the inventor, had many ingenious applications, which have not been adopted in Ireland. Some of these, probably, were useless; but others, in my opinion, could very properly be introduced into our country. The Irish system may be found fully described in the writings of Sir Walter Crofton, of Mr. Commissioner Hill, and of Miss Mary Carpenter; also in the minutes of evidence of the Royal Commission of 1863, appointed by the Queen of England.

8. What is your opinion as to the practicability and utility of introducing the Irish system, just described, into this country? I should consider it practicable everywhere, and particularly easy of application and beneficial in its results in many of the States of our Union. In a State like Vermont, it could be applied as easily *as the common school system*. Society is very simple there; the

demand for labor is great; and the interest felt by the entire community for any and all of its members is very decided. An absence of *caste*; religious toleration; and the sympathy and general feeling of respect for one another in every neighborhood, all combine to make that State peculiarly fitted for the introduction of this system. But as I have already remarked, it can be introduced into any of the States.

9. Have you visited prisons extensively? I have visited prisons, more or less extensively, in all the New England States, New York, Pennsylvania and Ohio.

10. Will you state, in general, what reforms you conceive to be most desirable in our American prisons? The first step towards reform, it seems to me, is an efficient inspection and report of the condition of prisons. After an inspection is once made, and the public properly enlightened, several reforms will follow as a matter of course. The first measure of reform in prison discipline I conceive to be the separation of the prisoners, either by complete individual isolation or by classification; as for instance, the separation of the sexes, the separation of the old and young, of minors and adults, and of first offenders and hardened criminals. That should be followed by a classification on the basis of the prisoners' conduct, and by some legal provision, by which they might curtail their sentence. Having secured a basis for action, the labor of the prisoners should be properly organized, which is now very seldom the case. They should also be regularly instructed in the common branches of learning, as well as in morals and religion. To accomplish these reforms would require the careful selection of officers, which, of course, implies that they should not be chosen on partisan grounds, and should not be promoted, except for merit. In the organization of labor, the contract system should be given up, as far as possible, and this for several reasons. The employment of prisoners by a contractor occasions a loss of money to the prison, and can hardly fail to injure the prison discipline. The reformation of prisoners, employed by prison contractors, is generally a matter of chance, the chance being strongly against the prisoner. The first condition of the reformation of prisoners is the establishment of a steady and wholesome discipline, under which the convict will expect no favours, which he has not earned by good conduct, and will be subject to no exactions, except those laid down in the prison rules. Or, if he is to be rewarded and punished at discretion, it should be the discretion



of the highest officer in the prison. Under the contract system, such a perfect discipline is almost impossible, being constantly interfered with by the contractor or some of his agents. These persons are not selected for any qualifications possessed by them to administer discipline. They have no responsibility to the State; their places are not permanent; and their personal interest is often directly opposed to that of the convict. Thus they will seek to exact more labor than the convict ought to perform; or, under other circumstances, to exempt him from labor, when he ought to be at work; his health, his education, his moral habits, his religious state are all of less account to the contractor and his agents than is the steady performance of his task and the payment of his wages. Yet it often happens that these persons become more influential in the prison than any of the constituted authorities, having the power to bribe and punish in ways which the convict feels most keenly. It is but a step beyond this to give the contractor the whole management of the prison, as is done in Illinois and Kentucky, which seems to me to be slavery in a most odious form. The idea of placing an independent power between the State and the convict is in itself so unreasonable, that the arguments for it must have been very strong in the mind of those who adopted it, in order to overcome this natural inconsistency. These arguments, as I have heard them, are of two kinds: first, that it is more profitable to the State to employ contractors than to conduct a prison without them; and, secondly, that prison officers are less exposed to temptation under the contract system. In regard to the first argument, the experience of the Massachusetts State prison seems to refute it. Under the old system, the labor of prisoners was directly for the profit of the prison, oftentimes resulting in a large annual income, while, under the present system of contract labor, there is a large annual deficiency, taking one year with another. For example, during the nine years in which Mr. Haynes, the present warden, has had charge of the prison, there has been a deficit in every year but one, and then a surplus income of only about \$500. In the last two years, taken together, there has been an actual deficit of about \$50,000; a larger sum than was ever lost in any four consecutive years under the old system. Yet, during these two years, the contractors have been making enormous profits, and the demand for labor has been unprecedented. But the existence of the contract system made it *impossible* for the prison authorities to avail themselves of the

high price of labor, created by the demand referred to, while, at the same time, the price of food, clothing and other supplies was constantly advancing, though not in the same ratio as the price of labor. As this last statement might be doubted, I will add that the condition of the poorer classes, whose means of subsistence is derived from their labor, was constantly improving during the late war; there was less pauperism among this class; they laid up much more money, and considerably improved their style of living. At least, this is the result of my observation, as a member of the board of State charities, constantly brought in contact with the class referred to. In the New Hampshire State prison, I have been assured by the present warden, Mr. Mayo, that the same state of things exists. The contractors there are making large profits, while the prison would show a deficit, but for the fact that a portion of the convicts are not employed by the contractors, but labor directly for the prison in the manufacture of shoes and other articles, which are sold, and thus increase the income of the prison. Mr. Mayo estimates that the profits of the prison during the year ending May 1st, 1866, had the contract system been discontinued, would have been from \$12,000 to \$20,000, whereas the actual profit was less than \$1,000. In the Vermont State prison, there is an annual deficit under the contract system which, in my opinion, would not occur but for the existence of that system there. I am assured that the experience of the Maine State prison leads to the same conclusion; there having been a deficit of several thousand dollars annually under the contract system; whereas, since it has been abolished, Mr. Rice, the present warden, has so managed the labor of the prison, as within the first two and a half years of his administration, to earn a surplus income, even in these times of high prices, amounting to some \$6,000, or more. In regard to the second argument, viz: that prison officers are less liable to corrupting influences under the contract system, my decided impression is that there is nothing in it; and I think that it will be made to appear so from the investigation in which this commission of the Prison Association is now engaged.

11. Is it your opinion, that sufficient prominence is given to the education of convicts in our American prisons, as they are at present conducted? It is my opinion that sufficient attention is not given to that matter; and this is particularly the case in the prisons of *Massachusetts*.

12. Please state to this commission your plan of prison instruction, as you would arrange it, if the matter were placed entirely in your hands? I would first have all minors instructed in reading, writing, and the other common branches of school learning, at least two hours in each day, whether they desired it or not. Similar instruction should be given, for at least one hour a day, to such adult prisoners as desired it, and the hours of labor should be so arranged as not to interfere with the instruction of prisoners. Besides this, I would have all the prisoners assembled in classes, for at least five hours in each week, to be taken from the time which they usually spend in their cells. In these classes, general instruction should be given by recitations, conversations, lectures, the use of maps, globes, black-boards, &c., as is done in the intermediate prisons of Ireland by Mr. Organ, the prison lecturer. I have heard of no system, in actual use, so good as his, and none which seems to produce such valuable results.

13. Is it your opinion that sufficient prominence is given to the religious instruction and training of convicts in our prison generally? I think that sufficient prominence is not given to these things. I ought to say, however, that I attach much more importance to the personal qualifications of the chaplain, and the opportunities afforded him for influencing, in a general way, the prisoners, than to the customary forms of religious instruction. The office of chaplain (and I prefer this designation to that of moral instructor) appears to me to be more important than that of any prison officer, except the head of the prison. No officers should be more carefully selected, and when the right man is once found, none should be longer retained. But this office is often filled by excellent persons in other respects, who yet have few qualifications for the position of prison chaplain. In listening to the services of these worthy gentlemen, I have sometimes been reminded of Gov. Winthrop's saying, that although the scriptures commanded that the gospel should be preached to every creature, yet he did not find it any where written that every creature should preach the gospel. To continue religious observances, under the direction of such chaplains, doubtless, does some good; but it also does great harm, while a chaplain of the right kind, might, I think, very properly increase the number, and vary the form of religious services in the prison. If properly administered, I see no reason why any of the rites of the church should be denied the prisoners. If *formally and coldly* administered, the greater the number, the

more useless they are. Of all religious agencies, the most valuable in a prison would seem to be personal conversation with each prisoner, for which every facility should be afforded by the authorities of the prison.

14. In a former answer, you have stated that each county in Massachusetts has a house of correction, in addition to the jail, in which sentenced prisoners are confined at hard labor—is it your opinion that it is the best plan to have so many prisons of this class, or that it would be better to diminish the number, and have but one for several counties? I should say it would be decidedly better, on all accounts, to reduce the number, and to have one for several counties, unless the counties are very large, as in the case of Suffolk county, in which is situated the city of Boston, and which furnishes nearly half of all the prisoners in the State. Such prisons would be less costly, would afford better classification, and would employ the labor of their inmates much more advantageously than our present houses of correction do or can. Prisons of this kind would be less crowded than is frequently the case with our houses of correction at present, because prisoners might be transferred when any one became crowded.

15. What would be your *ideal* of a prison system for one of the States of our Union—say for Massachusetts? My ideal of a prison system would require several distinct things, of which I will speak separately. These are: I. A gradation of prisons. II. A classification of prisoners. III. A careful selection of officers. IV. A proper construction and location. V. The means of voluntary and compulsory employment of prisoners. VI. A method of apportioning sentences with regard to the condition of prisoners under confinement. VII. An accurate mark system. VIII. Provision for the instruction of all prisoners, and for the mental occupation of such as do not labor. IX. Judicious prison rules. X. Proper appliances for restraint and punishment. XI. A method of conditional pardon. XII. Strict supervision and liberal assistance of discharged prisoners. To these should be added such improvements in our criminal administration as would secure the identification of second comers and old offenders; the speedy trial of all arrested persons, especially such are charged with light crimes, and the most liberal system of admitting to bail, that is consistent with the public security. I will now submit a summary statement of my views on the several points which I have indicated: *I. Gradation of Prisons.*—By this I mean the establishment of

distinct prisons for different classes of offences and of offenders, and I would carry this gradation farther than is customary, even in Ireland. Except in guard houses, (and there, as far as practicable,) there should be no confinement of males and females in the same prison; and if for convenience male and female prisons should be built in the same neighborhood, they should be so separated as to allow no possible communication by the eye or the voice, and should have distinct officers, those for the female prison being in all cases women, where women could be employed. I would forbid the imprisonment of children with older persons, and below a certain age would forbid their imprisonment altogether, except in houses of reformation. All persons arrested on suspicion should be kept apart from convicts, and so, still more, should witnesses and persons detained without definite charges against them. The insane should never be confined in a prison. Among those charged with crime and not yet tried, I would separate those whose offences were light from persons suspected of heinous offences, and would make it the duty of prison officers to see that, so far as possible, contamination was prevented. Perhaps complete separation in many cases would be the best rule, but this should not be prolonged. In convict prisons, the gradation should be more extended and minute, and should embrace the conduct of prisoners after sentence, as well as the nature of their crime. I am inclined to regard with much favor the earnest suggestion of Captain Maconochie, that all sentences should be for the earning of a given number of marks, and not for a given time; but I am not satisfied that this would be easy in practice. Of one thing, however, I feel convinced, namely, that the *truly* incorrigible should never be released from confinement, but treated as we do the furiously mad, that is, secluded for the public security. I do not think this class a very large one. In these graded prisons, the lowest grade should deny all privileges to convicts, except such as are earned by good conduct; but as this good conduct continued, and was found to be denoted by the increasing number of good marks, it should entitle the prisoner to be transferred to a prison of a higher grade; where the privileges would be greater. At the same time, this promotion should serve to shorten his sentence. When the prisoner had passed through as many of these gradations as his conduct or the length of his sentence would allow, he should be discharged under a conditional pardon. *II. Classification of Prisoners.*—From what has just been said, it will be seen what this

classification ought to be. But it is a point of great consequence, and should be carefully attended to, *first*, by the law-making power, which classifies offences; *second*, by the courts, which assign punishment; *third*, by the Prison Inspectors, whose duty it should be to supervise the assignment of convicts within the prisons; and, *finally*, by the subordinate prison officers, charged with the daily observation and control of the convicts. To avoid the necessity for so much discrimination, as well as for other reasons, the separate system of imprisonment has been advocated. By this, convicts are classified (if I may say so) *individually*, each being placed and remaining in a class of one. I cannot regard this as judicious for the whole period of confinement, but I doubt not it is a good introduction to prison life, and it is successfully used as such in the Irish prisons, which are considered the best in the world. By separating prisoners on their first commitment, they are made to feel more deeply the weight of their punishment. Time and opportunity are also given for the officers to learn their true character, and thus to award them more justly their places in the graded prisons. For these and other reasons, I would recommend its adoption. *III. Selection of Officers.*—I would include among these officers a sufficient number of Inspectors, whose business it should be to keep themselves acquainted with the condition of every prison in the State, and who should have a general supervision of all, with power to make transfers and give effect to laws which shorten sentences, or otherwise reward prisoners for good conduct. And these Inspectors are named first among officers, because they would be first in rank, and because the appointment of them is essential to the success of any prison system so extensive as that of a State. They should represent the State government, and not any local authorities; they should be chosen without regard to partisan opinions, but solely for their fitness for the office; and they should be as few in number as the necessary duties of the office would permit, so that their responsibility should not be too much divided. It might be advisable also to attach to each large prison a local inspector or visitor, representing the locality in which the prison was placed. It should be the duty of the State Inspectors to visit frequently and report in detail concerning all the prisons, and to establish the rules of each prison; the selection of subordinate officers might be entrusted to them, or retained by the respective authorities that maintain each prison. In choosing the



wardens and other subordinate officers, regard should be equally had to their fitness for the place, and political considerations should be lost sight of. Good officers should be retained and promoted, that the public may profit by their experience; but they should not be retained so long as to lose their interest in the reformation of the prisoners, which is their first and principal business. *IV. A Proper Construction and Location.*—To enter into details on this subject would be tedious and unnecessary. But there are some points, often disregarded, which I would dwell upon with emphasis. The cells should always be large, when intended for the confinement of a single person. In some grades of prisons, the convicts might sleep in large dormitories, as in the Irish intermediate prison at Lusk; but this is not to be recommended. There ought always to be a large yard,—several acres at least,—connected with a large prison. It will frequently be feasible to employ a part of the prisoners upon this land, and they will always need it for their exercise. The extensive yard of the Clinton prison, in New York, is one of the best features in its construction. If possible, convict prisons should be located where discharged men could, with the least difficulty, find employment. The vicinity of a large city is far better than the city itself, for a prison. I would avoid costly and ostentatious exhibitions of architecture in prison construction. A prison should announce its character in its appearance, and be adapted, both externally and internally, to its proper uses. *V. Means of Employment.*—These should be as varied as the circumstances of the prison will allow, and should be furnished directly by the authority controlling the prison. The intervention of contractors may be sometimes unavoidable, but it should be discountenanced as far as possible. Every encouragement should be given to prisoners waiting trial, in order to induce them to labor. Employment is one of the means of reformation, and idleness the surest way to ruin, among prisoners. *VI. Self-shortening Sentences.*—The testimony of all who have tried it, confirms the verdict of reason and common sense, that to place in the convicts' hands the power to shorten his sentence by good conduct, is to make him aid in his own reformation. The great error of our systems of commutation in America, is that they do not offer inducements enough to the prisoner. I would have the original sentence made longer, and the portion taken off for good behavior correspondingly increased. At the same time, there should exist the *means of lengthening the sentence for misconduct*, care being taken

to guard against the abuse of such a power. *VII. An Accurate Mark System.*—This is of the first importance, in order to determine, with justice, the reward or punishment due to the prisoner. Our present scales of marking, where they exist at all, are very rude. The Irish method does not seem to me quite discriminating enough. Capt. Maconochie's system, as it was the first, so in some respects it is the best, yet put in practice. The marks should be noted down as soon as earned, and should be made known to the prisoner from time to time. *VIII. Instruction and Mental Occupation.*—I doubt if the instruction of prisoners has ever been carried far enough anywhere; even in Ireland it would be possible to improve it. I would have *all* convicts taught something, and put in the way of teaching themselves. As a class, they are wretchedly ignorant, and have sinned through some form of ignorance, conjoined with vice. To educate them, is the plain duty of the State; and when seriously undertaken, their education would show important results. A portion of each day, as well as the evening, should be given to this duty; and those not compelled to labor should be stimulated to some mental occupation, as a defence against bad habits and evil thoughts. *IX. Prison Rules.*—These should be few, simple, and always adhered to. The prisoners should be carefully instructed in them, and required to yield a ready obedience. At the same time, they should shield the prisoner from needless and cruel requirements. *X. Restraint and Punishment.*—In the infliction of punishment within the prisons, there should be the shield of positive law for the protection of the prisoners. Experience has shown that prison rules alone will not prevent great abuses. All punishments, except loss of privileges, degradation of rank, and solitary imprisonment, should be forbidden by statute. The proper awarding of the permitted punishments should be left to the prison inspectors, and all should be a matter of definite record. *XI. Conditional Pardon.*—By this is signified the discharge of prisoners before the limit of their original sentence has been reached, under conditions, which, when broken, will annul the pardon and remand them to prison, not only for their unexpired time, but for additional periods of punishment for relapse. The Irish ticket-of-leave would be a guide to such a form of pardon, but it would need to be revised for use in our States. I would have free pardons the exception, only to be granted in extreme cases; but conditional pardons should be the rule. They should be granted by the

Executive on recommendation of the inspectors. *XII. Discharged Prisoners.*—Among the most necessary means for checking crime and reforming the criminal, is a proper supervision of discharged prisoners. This should extend not only to those under a conditional pardon, but to such as have completed the whole period of their sentence. The supervision of the latter could be only friendly, but the other class should be made to feel that they were still in the hands of justice, and under a species of restraint. Much good ought to be effected by this supervision for both classes. One form of it would be the procuring of employment for such as did not readily find work on leaving the prison. The best model known to me for this thing is the course taken by Mr. Organ, an officer in the Irish prisons. For many years the State of Massachusetts has employed an agent to assist convicts discharged from the State prison, and a small fund has been placed in his hands for that purpose. This has generally been increased by contributions from a private society in aid of discharged convicts, of which Dr. S. G. Howe is, at present, one of the principal officers. The whole sum thus expended is small, however, and I believe it is chiefly used, if not wholly, for State prison convicts. The counties make a trifling allowance to discharged prisoners in certain cases, but this is usually only to pay their fare home; and the great number of persons discharged from our houses of correction, among whom recommitments are the most frequent, receive no efficient aid either public or private. I am assured by those who ought to know, that the labors of the agent for discharged convicts are of great service in the limited field to which he is obliged to confine himself. The present agent, Capt. Daniel Russell, formerly an officer on board our ship reformatory, could give information in detail on this point. I ought not to forget two lately organized and still small societies for the aid of discharged female prisoners; the *Temporary Home*, at Dedham, is supported by one, and the *Home for Friendless Women*, at Springfield, by the other. Both are doing a good work on a small scale; they resemble in their character the *female refuges* of Ireland. My opinion of the *duty* of the community towards discharged prisoners is a very exacting one. Speaking generally, and without a figure of speech, society is responsible for the education of our criminals in their evil courses. It is, then, the duty of society, which has furnished the bane, to give the *antidote*. And especially, since by the establishment of a system

so artificial as that of our prisons, we have excited a prejudice in the minds of men against all who graduate from them, it behooves us to see that a discharged convict, seriously inclined to better ways, shall not relapse through any omission on our part. I believe, therefore, that the supervision of discharged convicts and provision for their honest employment should be as much a part of our prison system, and should be as much looked after by the community, as the bodily or spiritual welfare of the same persons while in prison.

GIDEON HAYNES *was sworn and examined :*

16. Where do you reside? In Charlestown, Massachusetts.

17. What is your business? I am warden of Massachusetts State prison.

18. How long have you held that position? About eight years and a half.

19. From whom does the warden of the Massachusetts State prison receive his appointment? From the Governor and council.

20. Is he appointed for any definite time? For no definite time; he holds office during the pleasure of the appointing power.

21. Has this always been the method of appointing wardens in Massachusetts? It has.

22. How long has the Massachusetts State prison been in operation? It went into operation in 1805.

23. How many wardens have held office in that prison? Fourteen. Of these, one died and two were murdered by convicts, while in office. Several resigned voluntarily.

24. Has it been usual for Governors, in appointing wardens, to elect persons belonging to their own party? It has generally been the case, but not always.

25. Have there, to your knowledge, ever been any removals on the ground of party politics? I think it possible that that may have been the case, but, if so, such cases have been the exception and not the rule.

26. Is party politics, or is it not, a controlling element in the appointment of the chief prison officer? I should say that it is not.

27. What officers, besides the warden, are appointed by the Governor? The inspectors, chaplain and physician.

28. How many inspectors are there? There are three, serving three years, one being appointed every year. They cannot be re-appointed under a year from the expiration of their term of office.

29. What powers do the inspectors have? General supervision. They confirm the warden's appointments for subordinate officers, and make rules and regulations for the prison, subject to the approval of the Governor and council.

30. By whom are the subordinate officers appointed? By the warden, subject to the approval of the inspectors. I have never made an appointment that was rejected by the inspectors, nor have I ever made one at their suggestion.

31. Are the politics of the applicant ever made a subject of enquiry? They are not. I have appointed many whose politics were opposite to my own. Appointments are always made solely on the ground of qualification.

32. Are applicants ever put on probation before receiving a full appointment? There are eleven turnkeys, fifteen watchmen and six assistant watchmen. The warden appoints the assistant watchmen absolutely, without confirmation by the inspectors. My system is, as vacancies occur, to appoint turnkeys from the watchmen, and watchmen from the assistant watchmen. But the promotion of this latter class depends entirely upon their behaviour and qualifications. There is, therefore, a real, though not a formal, probation.

33. What do you conceive to be, in brief, the proper qualifications of prison officers? Good sense, temperance, an even temper, self-government, justice, firmness, and to be always a gentleman.

34. How far are these qualifications, in point of fact, possessed by the officers actually serving in your prison? The officers are supposed to possess these qualifications; when they are found deficient in them, they are dismissed.

35. Are the officers required to abstain from intoxicating drinks and from profanity? They are required to abstain from intoxicating drinks by statute, and from profanity by the rules of the prison. No officer, contractor or instructor is allowed to use any improper language of any kind. The smell of liquor perceived on an officer's breath would be sufficient ground for his removal.

36. Upon what principle are the industries of the prison regulated? On the contract system.

37. How many branches of industry are carried on? We have but four contracts at present, but in some of them two or more branches of labor are included.

38. Is it made a distinct object to teach every prisoner a trade? *As far as practicable, it is.*

39. What proportion of your prisoners never learned a trade previous to their commitment? Eighty per cent.

40. What proportion of these actually learn a trade during their imprisonment? Ten per cent.

41. At what rates is the prison labor let? There is one contract for 75 men, at 77 cents per day; one for 150 men, at 50 cents; one for 200 men, at 83 cents; and one of 35 men, at \$1.00.

42. Are these rates higher or lower than has been usual? They are higher now than before the war. They used to average about 50 cents a day.

43. Is the labor of the prisoners profitable to the contractors? It is, in our prison. Our contractors have always become wealthy, if they have retained their contracts for any length of time. I think that the labor of convicts in our prison is fully equal in value to that of mechanics outside.

44. Such being the case, must not the profits of the contractors on the labor of the convicts be very large? They must, I think, as a matter of course.

45. How has the price heretofore paid by contractors for prison labor compared with the price paid for the same kind of labor outside? About one-fourth of the price paid outside.

46. How does the comparison stand at the present time? About one-third.

47. Has the prison been self-supporting during your incumbency? It was in 1860, and will be this year.

48. What has been the average annual deficiency? I was appointed in 1858; six months of the fiscal year had expired; taking in the whole of my first year of service, the average annual deficit has been \$13,675.

49. You have, in a former answer, stated it as your opinion that the profits realized by contractors out of the labor of the convicts are large; supposing the head of the prison to be a competent business man, of upright principles, and to hold his position permanently, might he not make the same, or nearly the same profits for the State, as are now realized by the contractors for themselves, it being pre-supposed that an adequate capital is furnished him by the State? To a limited extent, yes; if the number of men to be employed was not too large, and they could be worked at one trade. To illustrate my position, take our prison; we have, at the present time, about 150 men on one contract making



chairs, sofas, &c.; about 150 men employed on iron work,—casting and finishing; about 85 making whips; and 35 making brushes. I think it would be difficult to find a man possessing the required qualifications to superintend, successfully, such a variety of trades, together with those necessary for the management of the discipline of the prison.

50. Do contractors in the Massachusetts State prison ever enter into combinations to keep down the price of convict labor, when contracts are to be let? I think not, as we guard against it by arranging to have but one contract expire each year.

51. Are manufacturers outside ever restrained from putting in bids for convict labor under an idea that it will be useless to do so, because the contract will not, as they believe, in any case, be awarded to them? Yes.

52. How many citizens from outside are introduced into the prison to mingle among the convicts through the contract system, and in what capacities? From one to two in each shop. These would be necessary, under any system, as instructors in the trades.

53. Have you ever observed any deleterious influence from this class of persons? Occasionally.

54. Are contraband articles ever introduced by them, and if so, what? Newspapers, sometimes.

55. Do these persons, or the under officers, ever carry on any traffic with the prisoners? Instances of the kind have been known, but to no great extent.

56. Have any of your contractors ever incurred losses through their contracts, and if so, have they ever come upon the State to reimburse them for such losses? No.

57. Are contractors a power in the prison—do they, in any way or to any extent, have an undue influence therein? No.

58. How do you conceive it would be in this respect if all the officers of the prison were changed every year or two, on political grounds, the contractors, on the other hand, being comparatively permanent in their places? The contractors would then become “a power,” and influence and control the interests of the prison.

59. Have you ever known or heard of contractors or their agents attempting, directly or indirectly, to bribe prison officers in their interest? No.

60. Have you ever known contractors, in any way, to interfere, or attempt to interfere, with the discipline of the prison? No.

61. Is not the making of money the paramount object of con-

tractors, and do they not, for the most part, see in the prisoners simply so much machinery to that end? Money, doubtless, is their object; but we have been very fortunate in having contractors who have shown an interest in the prisoner, independent of what they might make out of him.

62. As contractors, do they or can they have any special interest in the reformation of the prisoners? No.

63. Is the interest of the contractors, as contractors, promotive of, or opposed to, the interest of the prison as a penal and reformatory institution? Their interests favor reformation.

64. Do your prisoners have tasks, or are they required to work from bell to bell? We have no tasks, but an account is kept of what every man does. He is expected to do a fair day's work.

65. You have no system of over-work in your prison? No.

66. The rewards of over-work being out of the question, do the contractors resort to other means of stimulating the prisoners to diligence, such as allowing to them, or their families, a certain amount of money per week or month? Yes, in some cases this has been done, but not at present. It is a violation of the statutes of the State for a contractor to make a present to a convict while in prison.

67. What do you say, upon the whole, is the influence of the contract system upon the discipline and reformatory power of the institution? I have no doubt that the contract system is injurious to the discipline in nine-tenths of the prisons where it exists, but in the Massachusetts State prison it is so managed and controlled as not to interfere in this respect.

68. Do you consider the reformation of the prisoners to be the great and leading object of prison discipline? Yes.

69. What is your opinion as to the possibility of reforming convicts in general by a judicious, humane and kindly treatment of them? I have no doubt that eighty per cent. can be reclaimed.

70. From what you have seen and otherwise learned of American prisons, is it your impression that reformation or money-making is their leading object? Money-making.

71. Are the authorities chiefly anxious to make a good financial exhibit, or to show large numbers of convicts restored to society, reformed and filling their places therein as upright and industrious citizens? In most prisons, reformation is a secondary if any consideration.

72. Which, in your judgment, would be, pecuniarily, most

advantageous to a State in the long run, to make its prisons self-supporting, or to return its prisoners to civil life so far improved in their moral character as that they should, in the main, pursue a career of honest industry? Reformation is the cheapest, no matter what it costs.

73. Is it not your opinion that our convict prisons should be organized and conducted with a main reference to the reformation of their inmates? Yes.

74. Do you think that, as a general thing, the contract system can be made to harmonize with, and be promotive of, that object? and whenever it cannot or does not so harmonize with and subserve the great end of penal discipline, is it, or not, your judgment that it ought to be abolished? As a general thing, I think it cannot, but in some instances may, as in our prison. Whenever it does not so harmonize, it ought to be abolished.

75. What amount of commutation or diminution of sentence can convicts earn under your laws? On a sentence less than three years, one day a month; three, and less than seven years, two days a month; seven, and less than ten years, four days a month; ten years and upwards, five days a month.

76. What have you observed to be the effect of the commutation law upon your prisoners? The effect has been good. I think it is the most important step in prison discipline that has been taken in this country in the last forty years.

77. Are prisoners informed of the time they have gained, and do they keep an account of the same? Yes; the law is explained to each prisoner when committed; they are all furnished with almanacs every year, and consequently all keep their time gained.

78. Are any special privileges accorded to prisoners on public holidays, and if so, what are they; and what effect have they been observed to produce upon the prisoners? Yes, special privileges are so accorded, and the effect is good. I have prepared a paper on prison holidays, to be read before the American Social Science Association, at their annual meeting in October, of which I submit the following extracts as my full answer to this question:

"On the fourth of July, 1863, I first tried the experiment of having a holiday in prison. At 10 o'clock in the forenoon, the prisoners were all assembled in the chapel; the services consisted of reading the scripture and prayer by the chaplain, singing patriotic pieces by the choir, and short speeches from gentlemen present. At 11 o'clock they were marched into the yard, forming

a hollow square, myself and little boy three years old, in the centre. After referring to the good news received that morning from the army, I stated that I was about to try an experiment, and its repetition would probably depend upon the success attending it. That I proposed to give them an hour's liberty, during which time they were to be their own masters, with the privilege of enjoying themselves in any way they thought proper, with the simple restriction that they were not to enter, or go to the rear of the work-shops, closing by saying that I felt confident that they would do nothing that would cause me to regret the step I had taken. Up to this moment, no one on the premises, save the deputy warden, knew my intentions. The shout that burst from those four hundred throats, the delirium of delight into which they were immediately plunged, at once relieved me of all fear as to the result. They shook hands, embraced one another, laughed, shouted, danced and cried; one of them caught up my little boy, rushed into the crowd, and I saw no more of him, till the bell called them to order. A band of music was stationed in the centre of the yard; foot balls and quoits were furnished them; and invited guests to the number of about seventy-five, ladies, gentlemen and children, were admitted, mingling freely with them in conversation, &c. Apparently, no unusual precaution had been taken to guard the prison. The "God bless you, Mr. Warden," which greeted me on every side, together with the wildest and most extravagant expressions of delight which fell from the lips of all, convinced me that I had not made a mistake. At the first stroke of the bell every voice was hushed; silently and quietly they fell into line in their respective divisions, and, save the flush of excitement, and the animated expression which flashed from the eyes of all, giving them more the appearance of the men God created in his own image than I had ever seen in that place before, they in their usual good order passed to their cells, taking with them for dinner baked halibut, potatoes, stringed beans, onions, beet greens, lettuce, plum pudding, tea with milk and sugar, and were locked up for the remainder of the day. Here let me remark that previously, on public days, it was expected that the men would be noisy and troublesome; I have been informed that frequently as many as a dozen have been taken from their cells on a Fourth of July for disturbing the prison, and placed in solitary confinement. Since we have had these holidays (some twelve or fifteen in all) not so much as a whisper has been heard in the prison, nor

the slightest impropriety observed upon either occasion; and I truly believe any one attempting an escape, or guilty of any marked impropriety, would have been torn in pieces by his comrades. Our punishments have been reduced nearly fifty per cent in the last three years, with no relaxation in the discipline. The men were in the constant habit of writing notes, the only means they had of communicating with each other; the contents of these notes were of no consequence, but the writing them was a violation of the rules, and more or less were constantly in punishment for it; this is now to a great extent abolished; the opportunity of seeing and conversing with each other occasionally renders it quite unnecessary. Again, it can be made a powerful agent in enforcing the discipline, by giving the privilege to those only who behave well. What more powerful incentive for good could possibly be adopted? But, above all, the simple recognition of manhood, the confidence placed in them, struck a chord in the hearts of many which misery and crime had unstrung if not paralyzed, causing them to vibrate anew with emotions reminding them of home, of loved ones, of better days; and, if their testimony, corroborated by their improved conduct can be taken, it has been the cause of raising many from the depths of despair, and the formation of resolutions which will have an influence upon them in all-coming time. The great good it has already accomplished in this respect cannot be weighed, gauged or measured, and whether viewed in the light of enjoyment by the men, the great propriety observed, the good feeling engendered or the subsequent effect upon the discipline, in every point, it has proved a brilliant success, without one single spot or blemish to mar its universal beauty."

79. If you could arrange a system of prison discipline in all respects according to your own ideas, would you give greater prominence to the principle of rewards, than is now generally given in our American prisons? I would give greater prominence to the principle of rewards, which should consist, mainly, in the time they might gain for good behavior and industry. I would place the pardoning power in the hands of the prison authorities; all pardons should be upon condition that the party did not again violate the laws of the State; that is to say—the reconviction of a man, pardoned from this prison, should revoke said pardon, and *he should be compelled to serve out his original sentence, in addition to his new one.* I would also retain the power to revoke a

pardon any time before the sentence would have expired, had the party remained in prison. Prison discipline may improve a man up to a certain time, beyond which, to keep him in prison may be injurious. No one, save those by whom he is surrounded, can know when that point is reached. I do not approve of convicts being allowed to earn money; a man should feel that, if convicted of crime, his family must necessarily suffer, and not that he would be able to support them as well in prison as out. The assistance he might receive, after his discharge, should depend upon his subsequent conduct.

80. What is done in Massachusetts, whether by the State or individuals, to provide situations for liberated prisoners, and what results have attended such efforts? We have a State agent for discharged convicts, appointed by the Governor, who receives a salary of eight hundred dollars from the State and eight hundred dollars from the "society to assist discharged convicts," making \$1,600; he is also furnished with one thousand dollars by the state, and an equal sum from this society, to be used in assisting them. The agent always visits the prison and has an interview with those soon to be discharged, learns their wishes, obtains a situation for them, or takes charge of them till one is obtained, furnishes them with tools, or sends them to their friends if they desire it. At any subsequent period, if they or their families are in want, they have only to apply to the agent to obtain the necessary assistance.

81. You have stated, in a former answer, that party politics is not felt as a materially disturbing or prejudicial element in the government and administration of your State prison;—what, in your opinion, would be the effect of throwing the prison into the political arena and making all appointments to office, from the warden down, mainly, if not wholly, on political considerations, and with little or no regard to fitness and qualification? What sort of men would such a system be likely to introduce as officers; what effect would it have upon the discipline; and what other malign influences would it be likely to exert? The effect would be to introduce a class of pot-house politicians, without character or influence, who would have no interest beyond the money they might make during their short stay; discipline would be out of the question, and the tendency would be to degrade, discourage and dishearten the prisoners by placing them in charge of men, who would often prove no better than themselves. Better, a thou-



sand times better, that every prison door in the country should be thrown open, and the inmates allowed to go free, than the adoption of such a system.

82. How far is religion employed in the Charlestown State prison as a reformatory agent? We have a chaplain, who is by law required to spend his whole time at the prison. We have prayers every morning in the chapel; the services consist in reading the Scriptures, with occasional remarks, prayer and singing by the choir, which is composed of convicts; on the Sabbath, we have a Sunday school from ten in the morning till a quarter before eleven, when the regular services for the day commence, and occasionally prayer meetings. Religious tracts and papers are distributed by the chaplain, who has access to the prisoners at all times; each one is furnished with a Bible.

83. Is any attention given to the education of the prisoners? Yes.

84. If you had the entire management of matters in this regard, would you make any change, and if so, what would it be? I would extend the facilities in this respect by the introduction of lectures, &c.

85. Have you abolished the distinctive prison dress in Massachusetts, and if so, what have you substituted in its place? We have. Formerly the convicts wore a parti-colored dress, one-half red, and the other blue; now it is a plain blue suit throughout.

86. What considerations led to the change? It was thought unnecessary and degrading to the men.

87. Has the change proved satisfactory? what beneficial results have flowed from it? It has proved satisfactory—a feeling now exists among the men that we have no wish to crush out what little manhood they may bring with them into prison, but rather to encourage them. It was not uncommon for them, in former times, to refuse to see their children in the parti-colored dress, from the fear that the impression made upon their minds would be permanent, and now they never object to see them.

88. Is not the lock-step found to wound the self-respect of many of the convicts, and might it not be abolished with equal advantage? Not as it is used with us; the workmen in each shop occupy a division of cells, and are marched from the shops to the prison together, their hands by their sides, and taking a long, easy step. To discontinue this practice and allow the men to leave *the workshops* for the mess-room or prison, indiscriminately,

would be attended with great confusion, and more evil would result from such a system than from the present one.

89. What is your idea of the proper size of a convict prison—what would you recommend as the maximum of prisoners? If the convicts were to be worked by the State, there ought not to be over three hundred; if on contract, not over six hundred.

90. If you were given *carte blanche* to frame a prison system for the commonwealth of Massachusetts, what would your system be? I would build a prison capable of holding about six hundred convicts; the prison to form one side of a square—the workshops on the opposite side—the cells to be large and well ventilated, and only one occupant; the sides, from the prison to the workshops, a high wall, and every part so secure as to render escapes impossible; the yard to be large, adorned with flowers, &c. The warden, chaplain and physician, to be appointed by the Governor; the subordinate officers by the warden—a board of Inspectors, also appointed by the Governor, to have a general supervision, but with no power to appoint or remove officers, except through their recommendation to the Governor—politics and everything sectarian to be discarded—the commutation law extended—the leading object should be reformation, and my agencies would be proper religious services, educating the ignorant, giving all who were deficient a good trade, surrounding them with officers in whom they would have confidence, prohibiting all irritating language, giving them frequent opportunities for exercise and recreation endeavoring to fan into a flame the slightest spark of manhood that they might bring with them into prison, and finally, when, in my judgment, they deserved it, to discharge them conditionally—always bearing in mind that they were men, made in God's own image, with minds to be improved, and with souls to save.

EDWARD NIXON *was sworn and examined.*

91. Where do you reside? In Williamsburgh, N. Y.

92. What is your business? I am a clerk in the office of Wm. C. Gilman.

93. What office, if any, have you held in connection with our State prisons? I was, for nearly four years, a keeper in the Sing Sing prison, viz: from 1859 to 1863.

94. What, in your opinion, should be the leading object of prison discipline. To care for and reform the prisoners.

95. *From all that you saw, during your term of office, was it*

your impression that the arrangements were made with a primary view to the reformation of the convicts? I should say not. But a very small proportion of the keepers seemed to care anything for the reformation of the prisoners. Reformation was considered more fit for the theory of a philosopher than for the business of a keeper. It was laughed at and scouted by the keepers, and considered altogether a visionary thing.

96. What was the general character of the subordinate officers of the prison? Although some were good men, the majority belonged rather to the rougher class. I used to think that, if averaged, their morals would not be found much better than those of the convicts.

97. What qualifications do you think essential in a prison officer? Morality, good judgment, impartiality, patience, physical and moral industry, experience and knowledge of his duty to the State, the contractor, the prison and himself, the ability to reason from cause to effect, capacity to see and firmness to prevent any and all interests and duties from clashing with and over-riding each other. The absence of these qualities should be, in all cases, a bar to appointment.

98. Would you say that the greater part of the keepers were, or were not, fit to be placed in the charge of convicts? They were not fit; they were anything but that.

99. By whom were keepers and guards appointed? By the Inspectors?

100. Upon what principle were the appointments generally made? Generally, I think, on political grounds, but this was sometimes over-riden by the influence of the contractors.

101. In what interest was the prison, in your opinion, conducted? I should say, generally, in the interest of politicians and contractors—wavering between the two.

102. What was the general character of the discipline of the prison while you were connected with it? If a man had neither money nor friends, he was often cruelly and brutally treated. If he had either, he was generally better treated.

103. Under how many and what wardens did you serve? Under Wm. Beardsley and G. B. Hubbell.

104. Did the cruelty and brutality in the treatment of convicts to which you have referred mark the administration of both these officers? It did not. Mr. Beardsley seemed to be incapable of making any calculations except as to dollars and cents. The food

he procured for the convicts was not what it should have been. It was both unsuitable and insufficient. Keepers punished the prisoners at their pleasure. Under Mr. Hubbell's administration, a great change took place. Convicts were better fed and more kindly treated. Keepers were not allowed to punish at their own discretion.

105. Please state some of the punishments you have witnessed under Mr. Beardsley's administration? It was not unusual to see prisoners at work with iron caps or cages on their heads. In marching through the yard, there were some companies in which several could be counted. The company on one contract would, for a long time, average one in seven. In one case, the cage was, by the same keeper, kept on about three months. Head-shaving was, at one time, rather a prominent feature among the lighter punishments. I have seen one keeper get men into line, and march them in company, lock-step, to the punishment room, and on their return, ingenuity seemed to have been taxed to get a variety and prevent sameness. One prisoner's head would be shaved entirely bare; another, the right side only; another, the left; another, with a single tuft left growing; another, with a stripe left, running from back to front, giving the appearance of a horse's mane; and still another, with a stripe running from ear to ear over the head, giving the prisoner an appearance that, to the thoughtless was ludicrous and laughable, but to the thinking, a feeling more creditable but less pleasant. The ball and chain was far from being a stranger in the yard, but the dark cell victims were out of sight. I am less acquainted with the punishments themselves than with their effects, as I was nearly six months in the service before I saw a man bucked; and in nearly four years' service, I do not believe I saw twenty of the severer cases of punishment inflicted. On witnessing the first case of bucking, the circumstances most impressed on my mind were the brutality of the operation and the calm callousness of the officer. On relating the circumstance to another officer, he asked me, in seeming surprise, if that was the first case I had witnessed; and, on my saying that it was, he went on to state, that he saw a man bucked the first day he was in the service. It happened as follows: He and the principal keeper were together. When he spoke about the punishment of bucking, the principal keeper said he would soon show him how it was done. They started through the shops and soon found a man *reading*; for that crime, he took him out and bucked him.

seemingly to show how the operation was performed. While I was keeper in the shoe shop, a prisoner was brought into my department, so desperate that the contractor's agent thought it his duty to warn me to be on my guard, and have him placed at work near my desk, so that my opportunity to detect and punish his delinquencies would be good. The prisoner commenced work with seeming reluctance. Next day, when his turn came, I told him to go after a pail of water. From his seeming hesitation, and the report I had had of him, I expected difficulty; but instead, he pitifully begged me to let him off, giving as a reason, his lameness from punishment. To convince me of the truth of his statement, he showed me his bruised wrists and swollen hands and arms, his shins skinned and bruised from a little below the knee to near the ankle, covered with festering sores from bucking. I was convinced that he was unable to go for the water, and I sent another prisoner. That untameable prisoner remained in the shop for some time after I was relieved from duty on that contract, doing his duty faithfully, and behaving in a manner so creditable to himself, as not to need a reproof from me, or the keeper who succeeded me. Humanity and kindness were the only agencies employed to effect the change. Another case was that of J. H——. I was personally cognizant of only a part of the abuse he received. Much of it, to the credit of human nature, was, to the uninitiated, beyond belief. Of what did not come within my own knowledge—I will relate only what was notoriously accepted as truth without being questioned. H——, about April, 1859, had violated some of the prison rules, for which he was unmercifully punished (the punishment being repeated on successive days), the horrible details of which I will pass, till I arrive at the point where a rope, in the absence of an iron collar not yet finished, was tied around his neck, and he was thus led into the prison yard, on exhibition, like a horse, by a negro, near the mess-room door, as an example and warning to the rest of the prisoners, while they were marching into the mess-room. After dinner, as before, he was again made to stand near a post on the floor, from which place he was not permitted to move. During the afternoon the iron collar was finished, brought into the shop, and placed on the keeper's desk in sight of H——. The keeper, with a malicious grin, walking backwards and forwards, casting *his eyes alternately* upon the iron collar and upon H——, who in *a frenzy of rage* sprang for a knife, sent it into the keeper's back,

and ran for the river to end his punishment in suicide. The other prisoners, seeing his intention, seized him and prevented him from drowning himself. H—— was taken to the dark cell, and there retained till the keeper got well enough to finish the punishment. On his return, H—— was repeatedly (on successive days) marched from the dark cell to the punishing room, till he was unable to go any longer, when he was left in the dark cell till it was thought advisable to take him into the hospital. Here he was made to undergo cruel experiments to see if he was feigning paralyzation, till a doctor (Green, I understood) came from New York and examined him, after which time, he was permitted to lie helpless in bed, with a nurse to lift him out when necessary, till August, 1861. About this time, at Governor Morgan's request, Mr. Pilsbury, of the Albany penitentiary, was examining the prison for several days. He had not yet, I understood, visited the hospital, when a man came and informed me, that at the request of Mr. Dewitt Beardsley, the warden's son, the doctor had promised to remove H—— from the hospital. The story of Dewitt's assurance in making the request, and of the doctor's promise was too improbable for me to believe, but next morning, the bed in the corner, occupied for years by H——, was vacant—he was removed to a common cell. About eight days before that time, a rumor was current that the warden's son had said his father would give five hundred dollars if H—— was dead. Without stopping to enquire into the truth of a rumor so improbable, suffice it to say, that it reached the ears of H——, and he, when removed to a common cell, fearing that an endeavor would be made to earn the reward, absolutely refused to eat victuals, or take medicine; and after several days fasting, he became so weak and emaciated that it was thought advisable to remove him from the cell for fear *his obstinacy* would cause him to perish from hunger, which might result in unpleasant investigations. But before removing him from the cell, arrangements were made, and rigidly enforced, to trundle him, in the day time, to the S. W. corner of the chapel, and at night and on Sundays, behind the door in the S. E. corner of the hospital, and sometimes to the corner of the hospital near the "seven up" room. Such migrations, to and fro, continued till the appointment of Dr. Dickinson, an excellent man, who restored H——, to his old corner in the hospital, where I left him in May, 1863, without the use of his legs, and still requiring a man to lift him in and out of bed. The cases just mentioned are those of men



who, when committed, were well. For variety, I will mention the case of Johnny Miller, who, when entering prison, was, and during his incarceration, continued sick, so at least it was pretended. It was supposed, however, from the direction which his gold watch took, that there was a better reason than sickness for his admission to, and continuance in the hospital. Johnny's reasons for continuing in hospital becoming more faint, or less effective, he, in December, 1862, was discharged from hospital, and sent to work. His keeper, seeing evidence of his sickness, favored him. But from loss of favor and consequent irritation, he lost his usual caution, and talked mysteriously about the much readier ways of getting a snug berth in hospital than sickness, till it came to the ears of the doctor, who sent for Johnny, and receiving unpalatable answers to his questions, ordered that Johnny, though sick, should be sent to the dark cell, and seven days after, on his release, his appearance was haggard; and with flushed face, blue lips, matted hair and staggering gait, he made a pitiful appearance; and it was some time after his release, before he could walk without staggering like an intoxicated man. These cases were far from rare, but are mentioned as specimens.

106. From your observation, what was the influence of the contract system on the discipline of the prison? In my shop, I never allowed the contractors to dictate concerning punishments; but in many of the shops, they were allowed both to instigate and to prevent punishments.

107. Was there, as far as you know, any bribery of keepers on the part of contractors? I do not know of my own knowledge, but have been told by keepers that they had been offered money by contractors, to induce them to advance their interests. The general impression was that the keepers were, and were expected to be, the tools of the contractors.

108. What would you say of the influence and power of the contractors in the prison? I was surprised to see the power that they possessed and their influence over the keepers, amounting, I should say, almost to absolute control, though there were some honorable exceptions. In their contests with the warden they were generally successful, until Mr. Hubbell came into power, when their influence began to wane. He was accustomed to decide strictly according to his ideas of justice.

109. Do convicts ever pay money to keepers to procure indulgences? I do not know of my own knowledge, but such was the

general belief, and I have no doubt of it. I have myself been offered money by a convict to induce me to give him a more desirable berth in the prison.

110. Were the contractors or their agents in the habit of keeping articles to sell to the prisoners? That was the case in at least one shop, where I served as a relief keeper.

111. What sort of articles did they supply? Looking-glasses, tea, coffee, sugar, pies, tobacco, pocket-handkerchiefs, &c., &c.

112. At what prices did they usually sell these articles? Not less than from 100 to 200 per cent. above the ordinary retail prices; sometimes, even more than that.

113. Were these articles sold to the convicts in payment for over-work? They were.

114. Were these things allowed by the rules of the prison? They were not, but were abuses.

115. Please state, in general terms, your opinion of the influence of the contract system on the working of our penal institutions? The interests of the contractors naturally lead to practices calculated to interfere with the government and discipline of the prison, and it is too often made the interest of the officer connected with the contract to aid them. Without the aid or connivance of the officer appointed to oversee the prisoners on the contract, whatever the disposition of the contractor may be, or however much his interests may call for injustice to the prisoner, he is powerless for wrong, where robust morality governs the action of the keeper connected with the contract. But in such cases, the contractor applies to higher quarters, where he is generally supplied with a keeper more satisfactory to himself. With contractors willing to make use of such means, the objection to new keepers is not so much their want of experience, as their entering on duty with rigid notions of morality, and having full faith that the rules laid down for their government should be put to practical use. If keepers retain such notions, they seldom become old ones, for they are soon relieved. The older and more "experienced" officers have generally learned an easier way to get along, than to suffer the rights of the State or of its prisoners to interfere with the interest or will of the contractor or his agent. It gives me pleasure to mention an exception in the person of Mr. Benjamin Leggett, who, for over twenty years, had, most of his time, been an officer of the prison; but in a contest with the file contractor, where he was clearly right, his long experience and

acknowledged worth proved no barrier to his being relieved from duty on that contract, when his duty interfered with the will of the contractor. The fact is that, during the greater part of the time of my service in the prison, an officer might safely calculate on not being interfered with, when he took care that the prisoner did his full duty to the contractor. Even if *more* than duty was exacted of the convict, he was only the more likely to acquire the reputation of a good keeper, and to make his office profitable. A short time before I commenced duty in the prison, a Mr. Newland (there were two Newlands, the elder of whom is here referred to), was principal keeper, and said to be an excellent man. He determined to sustain the officers in their duty, and it was well understood that the inspectors intended to sustain him. He, however, suddenly resigned his office. I was informed by one of the contractors that, to further that result, a subscription of \$500 was raised among them. This sum was given to Mr. Newland to reimburse him for any pecuniary loss he might sustain by his resignation.

NEW YORK, *August* 11, 1866.

GAYLORD B. HUBBELL *was sworn and examined* :

116. Where do you reside? In Sing Sing, New York.

117. Have you ever been connected with the State prison at Sing Sing, either as contractor or warden, or both? I have, in both relations.

118. When and for how long a period were you a contractor? I think I was contractor for three years; certainly for two years, commencing in 1839.

119. What contract did you hold? I was contractor for door locks.

120. For how long a period was your contract taken? For five years.

121. Why was it not continued until its expiration? I sold out to my partner, Mr. Kickman. The contract was afterwards declared unconstitutional, and was broken off by the State authorities, in consequence of the clamors of mechanics, said to have been occasioned by the competition of convict labor.

122. How many men did you employ? Thirty-six.

123. At what rate of compensation to the State? At fifty cents a day.

124. Was that about the average rate paid by contractors at

that time? It was a little higher. I think we paid more than any contractors there.

125. If you have no objections, state whether the contract was profitable or otherwise? It was fairly profitable.

126. Who was warden at the time of your contract? There was no such officer as warden, under that name, at that time, but Robert Wiltse was head of the institution, under the title of agent.

127. What was the general character of the discipline at that time? The system of discipline was that established by Elam Lynds, first at Auburn prison and afterwards at Sing Sing, known as the congregate silent system. Rules were established and printed, and put in the cell or in the hands of each prisoner. All were distinctly informed that severe punishment would immediately follow the violation of any of the rules. This Mr. Lynds strictly enforced, and Mr. Wiltse attempted to carry out the same system. The rules, however, were constantly violated, especially that demanding silence. The men would talk and did talk constantly. Some contractors and their employes would report these offences, others would not. Each keeper had absolute control over the men under his care, and, without any special directions from the chief officer, inflicted punishment at his pleasure. The mode of punishment, in nearly every instance, was by inflicting blows upon the bare back with an instrument called the cat-of-nine-tails. This punishment was administered in the shop, and in the presence of all persons in the same. The number of blows varied according to the offence. Sometimes not more than five or six blows were given; but in extreme cases, as many as a hundred. For instance, in case of an assault upon an officer, fifty blows would first be administered, and the back, lacerated and bleeding, was then washed with brine, and after a day or two the same process would be repeated. These things were an every day occurrence. The severer punishments, which I have described, I never witnessed myself, but their infliction was a matter of common report, both in the prison and in the village. The description, as given by me, does not come up to the reality as reported. Some judicious and humane keepers managed their shops with little punishment, while others would punish almost daily. The effect of this system of discipline upon the officers, was to harden and brutalize them, and upon the prisoners, not unfrequently, to drive them to desperation and madness. I have no doubt that numbers of convicts became *actually insane* under this treatment.

128. When, and how long, were you agent and warden of the prison? I became warden in the spring of 1862, and continued in office twenty-two months.

129. What was the number of prisoners during the time of your incumbency? The day I entered upon my office, the number was 1,164. Afterwards, as the effect of the civil war then raging in our country, the class of persons who usually compose our prison population, were drawn away from our State, and the inmates of the prison were reduced to about 800.

130. What has been the largest number of convicts in Sing Sing prison at any one time? In 1860, as I was informed, the number was a little over 1,300.

131. What is your idea as to the proper size of a convict prison? I think no prison should exceed the capacity of 500; and 300 or 400 would be a much better number.

132. On what do you base that opinion? First, on the ground that the reformation of the criminals would be more easily and certainly effected with a small than a large number. I think that the general officer of the prison should be personally and thoroughly acquainted with each prisoner, so that he may know his individual characteristics, and be able the better to determine the proper treatment to be accorded to each. He should also be personally and intimately acquainted with every officer under him, so as to know his qualifications and be able to counsel and direct him, as the exigency may require. This he cannot do in a large prison. Secondly, I think that the pecuniary interest of the State is promoted by having prisons of a moderate size. The general officer should direct the labor of the institution, as well as manage its discipline, thus securing all the profits to the State; and I think he can do this more satisfactorily with a moderate than with a large number of convicts.

133. What was the general method of your administration as regards discipline and government? It was based upon reason, justice, firmness, and uniformity, all tempered with kindness. My aim was to secure the confidence of all the officers, contractors and convicts. I endeavored, as far as possible, to become personally acquainted with every convict, and to study his individual character. For this purpose, I set apart one hour each day for personal interviews with prisoners in my office. I issued an order *to the officers* to furnish passes to all convicts who desired to see *me at that hour*; and during the time allotted to this business, I

would attend to no other. On an average, about fifteen convicts visited me daily under this rule. I am satisfied that these interviews gave me more influence over the convicts than any other agency I employed. In this way more than in any other, I learned what was going on in the prison. I was often confidentially informed of plans of escape and of combinations for revolt; of pilfering on the part of prisoners, as well as violations of rules on the part of officers and contractors' employes; of over-reaching on the part of contractors and their agents; of unjust dealings in regard to over-work; of the smuggling of contraband articles into the prison to sell to convicts; of trading between officers and prisoners; and of various other mal-practices and abuses. I have rarely been deceived by statements made to me by convicts during these interviews.

134. What were the general results of the system of discipline which you have described? My impression is that the results were decidedly beneficial. The prisoners were more cheerful and hopeful. They constantly expressed a desire and determination to reform, and would often add the statement that they had never had friends before, and that if a kindly hand had been extended to them in their earlier days, in all probability they would never have committed crime. By the universal testimony of the contractors, the men worked better than they had formerly done.

135. What, in your opinion, should be the primary object of prison discipline? As I understand it, the fundamental object should be the benefit of society, by removing for a time from its midst, those who have violated its laws, and by subjecting them to such a system of influences as will effect a thorough reformation of character, and restore them to civil life honest and virtuous citizens.

136. Is the reformation of convicts and their restoration to society as good citizens made the primary object in the administration of our State prisons, as at present organized and managed? In my opinion, it is not.

137. In what interest or interests, then, do you think our State prisons are chiefly managed? First, in the interest of politicians, and secondly, in that of contractors.

138. In the answer just given, you have referred to party politics as an element in the government of our prisons; please explain that matter in detail? The present constitution of New York provides that the three State prisons shall be under the control of a



board of three inspectors, one of whom goes out of office each year, and a new one, elected in his place, succeeds him. These inspectors are nominated by State political conventions, and elected by party votes. The party in power claims all the patronage to be dispensed in the prisons, and that patronage is used irrespective of the qualifications of persons applying for and appointed to office. This board of inspectors has the appointment of all the officers in the prisons. Whenever the majority of the board is changed from one political party to another, it is the practice to remove nearly all the officers, and fill the vacancies so made with others, who, in most cases, have no experience at all in prison management. The subordinate officers are frequently appointed without having ever been seen by the inspectors, and solely on the recommendation of politicians. When a new inspector comes in without changing the political character of the board, he usually claims a certain share of the patronage by a redistribution of offices. The list of officers of any one prison, being taken up, is carefully canvassed, and it is generally found that if considerations of personal or political friendship alone prevailed, all would be retained; but the changes must be made, and some principle must be found on which it can be done. The principle usually adopted, is that of removing the officers that have served the longest, till the requisite number of vacancies has been made. These vacancies are then filled by the nomination of the new inspector. This system of political appointment disturbs the whole arrangement of the prisons, by taking from them their best and most experienced officers, and replacing them by untried, and, not unfrequently, worthless men. I will illustrate the operation of the system by one or two examples. A man was appointed as keeper in Sing Sing prison, at the advanced age of sixty years, who had failed in all other business, and, as a matter of course, had had no experience in the management of a prison. When placed upon duty, he would apply for instruction to the prisoners. He could not be trusted to lock up a company of men, for want of the necessary intelligence, and the convicts would constantly make sport of him. At mid-day one of the prisoners stole the old man's coat from his desk, and made his escape from the premises. When he found the man was missing, instead of giving the alarm at once at the office, as directed by the rules, he went *to a fellow keeper* and informed him, requesting him to keep still *about it*, as he did not wish any one to know that his coat had

been stolen! Another keeper was appointed, who, from his actions, was believed by the entire corps of officers to be insane. When placed in charge of a shop, he would, for hours together, pace rapidly up and down the centre of the apartment, without paying the slightest regard to his men. On one occasion, when a number of removals had been made on party grounds, I peremptorily declined to be responsible for the safety of the prison unless the inspectors reversed their action, and the consequence was, that some of the old officers were reinstated. I constantly protested against this practice in my official reports.

139. Are inspectors ordinarily renominated and re-elected, or are new and inexperienced men, for the most part, brought into office? They are very seldom renominated. I remember only three instances where this happened, and only two in which they were re-elected.

140. What is the effect of this system on the discipline of our State prisons? The effect is to disturb and almost destroy the discipline of the prisons, and to keep them in constant confusion and turmoil.

141. What do you conceive to be the proper qualifications of a prison officer? He should be a man of strict integrity, free from all bad habits, have a ready business turn of mind, possess a quick perception and a good knowledge of human character, be even-tempered, never show fear or anger, be governed by a spirit of kindness in all his actions, and, above all, should have the ability to secure the respect and confidence of all the men placed under him.

142. As a matter of fact, how far, in your judgment, are these qualifications possessed by the subordinate officers of our prisons? It is impossible that, under the present system, officers can be had possessing, as a general thing, the qualifications I have named. The changes are so constant, and the tenure of office so short, that the best men will not become candidates; and even though an officer may possess good natural abilities, he will lack the indispensable quality of experience.

143. You have stated that the appointment of all officers in our State prisons is in the hands of the inspectors; in your opinion ought this power to be restricted to narrower limits? I think the power should be restricted.

144. What officers would you have appointed by the inspectors? *The general officer, the physician, the chaplain and the clerk are*

all the officers that should, in my judgment, be appointed by the higher power, whatever it may be. All other appointments should be made by the general officer.

145. On what ground do you base your opinion? The first ground is, that the general officer, chaplain and physician are required to make reports to the higher authorities, and the clerk acts, to some extent, as their confidential agent. The second reason for the opinion expressed is, that the general officer being held responsible for the safety and proper management of the institution, cannot discharge that duty in the best and most effective manner unless he is seconded in his views by the under officers; and to secure this, he should have that power and control over them which naturally results from their receiving their appointment from him, and from their being removable at his pleasure.

146. In what way, if at all, do you think that the executive administration of our prisons can be separated from party politics? The constitution must be changed by striking out the clause providing for the election of a board of inspectors by the popular vote. In place of this, I would insert a provision clothing the supreme court of the State with the power to appoint a board of local inspectors, consisting of three for each State prison. I would also give to the supreme court the power of appointing the four leading officers of each prison, viz., the general officer, physician, chaplain and clerk. I would further clothe the same body with the power of appointing one inspector general of State prisons. In order to secure permanence in the executive administration of the prisons, the four officers named above should be removable only for causes deemed adequate by the appointing power.

147. You have lately visited a number of English prisons; what did you learn as to the mode of appointing officers and the tenure of office therein? In all county and borough or city prisons, the appointing power is in the hands of boards of county magistrates. In the penal servitude or convict prisons, answering to our State prisons, the appointing power is in the hands of the local board of directors. Subordinate officers, called warders or guards, are first put on trial for six months, during which time a daily record is kept by the chief officer of the manner in which *they discharge* their duties, and of the development of their *ability as prison officers*. At the quarterly meeting of the board

of county magistrates, this record is presented, and if found favorable, the candidate receives a formal appointment, on the recommendation of the governor or general officer of the prison. The tenure of office is, in all cases, during good behavior. Whenever an officer becomes superannuated or otherwise disabled in the service of the State, he is retired on a pension sufficient for his support during the remainder of his life.

148. What did you observe to be the operation of this system of appointment, in securing good and competent officers? As far as my observation extended, it resulted in securing an excellent class of officers, and I was informed that the prison officers were generally excellent men. In fact, such would naturally be the result of the system. The situation of prison officers is permanent, and at the same time, so well paid, and so respectable, that it induces a superior class of men to compete for any vacant position. To illustrate, I was informed that when the office of governor became vacant in a certain prison, there were seventy applicants for it, all of whom were officers of long experience and tried ability in other prisons.

149. What is the contract system of labor in our prisons? The essence of the system consists in hiring out at so much *per diem*, for a limited period, the labor of the convicts to certain parties, called contractors. In letting the labor of the prisoners, it is the duty of the agent and warden to advertise for sealed proposals for a certain number of men, to be employed for five years at some given occupation, the State to furnish shop and yard room, stoves or steam pipes for heating the shops, keepers to maintain order therein and to have control of the men; and the contractor to furnish his own material, power, machinery, &c., and citizens as instructors in the different branches of business. And it is sometimes the practice of the contractor to employ a number of citizen mechanics to aid in certain parts of the work.

150. Is it your opinion that the contract system should be retained in our State prisons? I think it should be abandoned, as prejudicial both to the convict and the State.

151. What rate of compensation for convict labor has heretofore been generally paid to the State? About an average of forty cents *per diem*, for each man employed on the contract.

152. How does this compare with the price paid for the same kind of labor outside? The same kind of labor, taking boys,

all the officers that should, in my judgment, be appointed by the higher power, whatever it may be. All other appointments should be made by the general officer.

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152. How does this compare with the price paid for the same kind of labor outside? The same kind of labor, taking boys,



apprentices, and journeymen together, would average a dollar or dollar and a quarter a day.

153. What profits, so far as you know and believe, have been realized by contractors, from the convict labor at Sing Sing? Some have made fair profits, others have made large profits; while the majority, I think, have failed.

154. To what has their failure, in your opinion, been owing? First, to bad management; secondly, to the want of sufficient capital to furnish material, to keep the men profitably employed in dull times; thirdly, to inattention to business; and fourthly, to laxity of discipline and good order in the prison; and this laxity has, in a large measure, grown out of the various interferences of the contract system itself.

155. What is your opinion as to the practicability and propriety of the management of the industries of a prison, by its chief officer, without the intervention of contractors? I believe that a competent general officer can manage the industries of a prison much more to the advantage both of the State and the convicts, in all respects, than can be done under the contract system. Such officers could so direct the employment of the prisoners as to the kinds of work to be done, and could so manage the hours of labor, that the moral interests of the prisoners and their reformation would be more effectually promoted, and at the same time, whatever profits have heretofore accrued to contractors, would be gained by the State. The State would be able to furnish sufficient materials to keep the prisoners constantly and profitably employed, while she would not be obliged, in dull times, to sell any of the products of her convict labor at a sacrifice, (as is often the case with contractors) but would be able to hold them till such time as a rise in prices should take place.

156. You have stated that citizen laborers, as well as instructors of the convicts, are introduced into the prisons by the contractors; is this a right or an abuse on their part? It has always been an abuse, though formerly there was no law against it, but a law was passed in 1862 or 1863, prohibiting this practice. The practice was introduced, several years ago, as I understood, when there were not sufficient prisoners to fill up the contract. As many as twenty men from outside were sometimes so employed in a *single shop*. Since the present law has been in force, fewer citizens have been so employed, and when it is done, it is under the *plea that they were needed as instructors*.

NEW YORK, *August* 14, 1866.

Mr. HUBBELL's *examination was resumed*:

157. What, in general, has been the character of the citizens brought into the prison by contractors, as well those whom they are authorized to introduce, as those whom they are not? They are, as would naturally be expected, of a variety of characters; and this applies to both classes, except that the permanent foremen, or instructors, are generally the most intelligent. This would naturally be the case, as the foremen must, generally, be better business men, and more skilled workmen. Some of both classes are men of good character; but a very large proportion of them are of a very low order of morals, being addicted to habits of profanity and intemperance.

158. Do contractors or their employes ever make use of profane or abusive language to prisoners? Contractor's employes have been reported to me for using such language to convicts, and have been forbidden the prison premises therefor.

159. Do they ever enter the prison precincts under the influence of liquor? I do not now remember that I ever saw them enter the premises in such a condition, but such cases were reported to me; and contractors' foremen have, for such offences, been dismissed, and prevented from ever again acting as foremen, or having any intercourse with prisoners.

160. Are contraband articles ever introduced into the prison by these outsiders? They are, by contractors' agents, and not unfrequently by contractors themselves.

161. What kinds of articles are so introduced? Sugar, tea, coffee, butter, pies, cakes, liquor, looking-glasses, combs, brushes, &c. These sometimes come in by the barrel full, under the guise of materials to be used by contractors.

162. How are these articles disposed of? They are sold to prisoners, sometimes for money, but chiefly for over-work, at prices double, and many times treble and quadruple their market value. The foremen keep an account with the prisoners for over-work, and draw the money for the same from the contractor; but they pay the prisoners in these contraband articles at the exorbitant prices above mentioned, and thus make large gains for themselves. It is proper to state, however, that there are honorable exceptions to this practice. There are both contractors and foremen, who do not willingly violate any of the rules, but second

the endeavors of the officers to maintain the good order of the institution.

163. What do you conceive to be the effect of thus introducing outsiders into the prison among the convicts? I consider it every way pernicious. It is impossible to maintain good order, unless all persons employed in the prison are subject to the authorities of the prison, and under their absolute control and direction.

164. When money is lost by contractors, is it their habit to suspend payment, and apply to the Legislature for relief, and does the State generally assume and bear the loss thence accruing? Such is often the case; but this even is not the worst. Contractors sometimes suspend payment, when no loss has been sustained, but simply from the pressure of dull times, when they have no sale for their manufactured articles. The contractors, finding it will require a large amount of capital to furnish material to keep the men employed, pile up their work, stop their machinery, and bring everything to a stand-still. As a consequence, the prisoners have nothing to do. The prison officers daily march them into the shop, allow them to sit down, and charge their time regularly to the contractors. Contractors have let things go on in this way, declining to pay for time contracted for, but not used, till the amount has run up sometimes as high as \$30,000, the men, most of the time, doing nothing. At this stage of the business, they apply to the Legislature for relief. In some cases, the whole claim of the State, or nearly the whole, has been remitted. In others, commissioners have been appointed to adjust and settle such claims; and in these settlements, large abatements have been made in favor of the contractors. Some contractors have failed to settle at all, and the State has lost the entire claim by default.

165. What amount of loss has been sustained by the State in consequence of these failures, real or pretended? I cannot state definitely the amount; but I believe that the losses sustained by the State in the case of Sing Sing prison, during the last 15 or 20 years, would amount fully to \$200,000.

166. In suits where contractors have been parties, has not the State always been unsuccessful? As I understand it, under the law as it now exists, no suit can be brought against the State. Formerly, when suits were brought under the old law, whether the State or the contractor was plaintiff, I remember no instance in which the State was not defeated.

167. Do not contractors sometimes stimulate prisoners to over-

work, till more or less of them break down, and have to serve out the rest of their term as invalids, at an expense to the State? The result of the stimulus to exertion by the gains of over-work has been, in some instances, that the health of the convicts was broken down, and their constitution shattered.

168. Have you ever known contractors to make use of unfair means to increase the amount of work exacted from the prisoners? Yes; I have known cases in which men have been stimulated by some promised reward to do extra large days' works, and then the contractor has insisted upon that as the gauge for an ordinary day's work. Such cases were reported to me when I entered upon my duties as warden, and, after creating much difficulty, were settled by diminishing the amount of labor to be exacted as a day's work.

169. Do contractors ever contrive to have able-bodied men placed on the invalid list in such manner that, while the latter do full work, the former pay but half price for it? Instances of the kind I am about to mention have come to my knowledge: Prisoners would be continued on the sick list, as not restored to perfect health, after being discharged from the hospital. Being unable to do a full day's work, they would be put upon half work and half pay. They would, after a while, recover strength to do a full day's work, and would do it. Yet the State would receive pay for only a half day's work, for a longer or a shorter period, as the contractors might be able to manage it.

170. Are there any other ways in which contractors contrive to get men to do full work on less than full pay? There are such devices. For instance, they will report a man as stupid and incapable of learning the business at which he works; at the same time there will be some place in which they can put him, where he will do a full day's work, as much indeed as the best workman could do in that position; yet they will pay but half price for his labor.

171. What is over-work in our prisons? Over-work is doing any amount of labor beyond an established day's work?

172. Are tasks, or set days' works, assigned to the prisoners? They are, usually.

173. Who determines the amount of labor to be required? It is regulated by the contractors, subject to the approval of the authorities of the prison.

174. *How do the tasks assigned compare with labor done out.*

side? They are intended to be about 75 per cent of an ordinary day's work by a citizen laboring at the same kind of work.

175. How did the system of over-work originate? The system in Sing Sing prison had no formal or designed beginning. It grew up gradually and, I may say, almost imperceptibly. First, contractors received special permits to give the prisoners tobacco, and sometimes medicines. The prisoner, in return, as an act of gratitude, would do work beyond his required task. Further permits were afterwards received by contractors to give the prisoners some little delicacies on public holidays. This stimulated a desire on their part for further indulgence in these things. They would intercede with contractors' foremen to bring them various articles of food privately, for which they would pay money, which they managed to secrete about their persons, when they came to prison, or which they had received from friends at their periodical visits. But some prisoners do not have money, and therefore could not do this; consequently, they would offer to pay for these things in over-work. The foremen seized upon this as a favorable opportunity for making some money by bringing in contraband articles, such as have been mentioned in a former answer, and selling them to convicts at exorbitant prices. This system gradually enlarged its dimensions, until little stores, almost, were formed inside the prison, which were daily replenished from the village groceries. This practice continued, until it created much dissatisfaction, and, at length, the officers, in the interest of the discipline of the prison, were obliged to interfere and prohibit the introduction of contraband articles. The system of overwork having been thus established to a considerable extent, prisoners desired to continue it and to have the amounts thereby earned passed to their credit by the contractors, in the hope that, by and by, the prohibition that had been imposed would be removed, and they would again be permitted to receive their supplies as formerly, or, at least, that their earnings would be paid to them in money at the expiration of their sentence. An agreement to this end, existing between the foreman or contractor and the prisoner only, was very liable to abuse. If a foreman became offended with a prisoner, he would deny the verity of the claim, and sometimes destroy the page of the book, on which the account was written. This naturally created difficulty, which would bring the matter before the chief officer of the prison, and as the prisoner's evidence was inadmissible, the foreman of course had the

advantage, and would secure a formal decision in his favor, even though the conviction was entertained that the prisoner had stated the facts as they really were. Here we come to a point, where an order was issued by the warden that a correct account should be kept by the keeper of each shop, and that a copy of the same should be handed to the clerk at the close of each month, showing the amount due to each convict; and the warden collected the same from the contractors, and passed it to the credit of the prisoner on a book kept for that purpose, called the convicts' ledger. The money was deposited in the hands of the State Treasurer; any amount of which could be drawn at any time on the order of the prisoner, by his satisfying the warden that the same would be properly and well appropriated. Any balance standing to the credit of the prisoner is paid to him, on his order, at the expiration of his sentence.

176. Is over-work a matter of legal regulation? There is no law relating to it.

177. Who then regulates the matter and determines what prisoners shall be allowed to do over-work, and the rates of compensation for the same? There is no regular system about it. Each contractor permits what prisoners he pleases to do over-work. Being simply a custom without legal sanction, the contractor and the prisoner are left to regulate the price between themselves. Each contractor has a mode peculiar to himself, varied according to the kind of business carried on. Some work the men by the hour; others by the piece; and others, again, agree to give them a certain amount of money at the end of the month, on condition that all the work, stented to them, shall be done in the best and most perfect manner.

178. What rates of compensation are actually paid for over-work? The average compensation, though generally somewhat greater than the rates paid to the State, is much less than would be paid for the same amount of work to persons outside.

179. Are convicts who labor directly for the State allowed to do over-work? They are not.

NEW YORK, *Aug.* 16, 1866.

Mr. HUBBELL's *examination* was resumed:

180. What proportion of the prisoners on contracts do over-work? Not more than one-half, I should think; perhaps not even that proportion.



181. How early in the day do the convicts, or any of them, get through their tasks? Some finish their tasks as early as 11 o'clock; some get through at 12; some at 1; and the majority from 2 to 4 o'clock.

182. How does it happen that men finish their tasks at such early hours of the day? Some men finish their allotted task in a short time because of their superior quickness and skill. Others, I think, have a very small day's work assigned them.

183. Do you mean by this last remark that tasks are ever assigned corruptly, or for sinister ends? I do so intend; and I think that private emolument is the end in view.

184. Can you offer any proofs to that effect? Instances have been reported to me, in which the contractor's clerk or foreman has given the prisoners small tasks, in order that they might do a large amount of over-work; the proceeds of which would be largely spent in contraband articles, much to the profit of such clerk or foreman.

185. What proportion of the convicts on contracts finish their tasks before the hour arrives for closing the shops? I should think 90 *per cent*.

186. Why then do not a larger proportion than one-half do over-work, and thereby earn something for themselves? One reason is that there are always quite a number of new men in each shop, who have no tasks assigned them, because they are learning the business. But the chief cause is that none of the contractors allow over-work to more than half their men; some give very little; and others, being opposed to the system, give none.

187. Does this different usage on the part of contractors in reference to over-work create dissatisfaction in the minds of convicts? It is often the case. Convicts will make a great many pleas to be transferred from a contract where the men are not allowed to do over-work, to one where they are. Frequently, too, they make requests to be transferred from the employment of the State to that of some contractor, where they can have this privilege. There is hardly any greater cause of discontent in our prisons than these discriminations, made by contractors with regard to over-work.

188. Is your judgment in favor of assigning tasks to convicts, or do you think it would be better to require all able-bodied men to labor throughout the working hours of the day? I think that, *under all circumstances*, able-bodied men should be required to

work all the time during the hours allotted to labor, but that there should be a task assigned to the prisoners as soon as they have gained sufficient knowledge of the branch of business, in which they are engaged, to enable them to do a reasonable day's work. At the same time, I would fix a limit beyond which the most skillful should not go. My reason for the first of these propositions is, that I wish to work a man up to a point that will fix in him habits of industry. My reason for the second proposition is, that I would not allow even the most skillful to go beyond a reasonable day's work, because prisoners are easily stimulated to work beyond their strength, and so break down their health.

189. Are you in favor of over-work, while our present prison system is continued? I would be in favor of it, if it could be regulated by law, so that all able-bodied prisoners should have the chance to earn something for themselves. But I think the better way would be to allow them a certain percentage of their earnings.

190. What benefits would you anticipate from the adoption of the plan you suggest? I think that a participation in earnings would be beneficial both to prisoners themselves and to their families. I have witnessed many touching scenes illustrative of these benefits, on occasions when the prisoner's wife and children have made him their periodical visit, and have received at his hands a share of the money due him for over-work. At such times, it has been stated by the convict's wife that for a long time prior to his imprisonment he had afforded her little or no pecuniary aid. The assistance given would seem to inspire fresh hope on the part of his family that he had begun to act on new resolutions of reformation and industry. On his part, it would seem to be a stimulus to increased effort to benefit his family in every way within his power. After such an interview, the prisoner and his family would separate from each other with the strongest expressions of mutual affection and sympathy.

191. Do disputes often occur between contractors and the warden, growing out of the number and quality of the men put upon their contracts? That is frequently the case, and is the source of much annoyance, and sometimes of ill feeling.

192. Is it the habit of contractors in dull times to do all they can to get rid of as many of their men as possible, and to have none but the best hands in their employ? When business is dull, contractors usually try to keep down the number of men on their

contracts by declining to take new hands; they frequently also endeavor to reduce the number by turning off from their employment, on various pretexts, a portion of the hands already engaged; as a matter of course, they try to get rid of those who are of the least value.

193. Are they apt to succeed in these attempts? They almost always succeed, to a greater or less extent.

194. When times are brisk and business lively, do not contractors often raise disputes and clamor for more men? When times are brisk and men are scarce, much competition springs up between contractors. They get into disputes in relation to the men, appeal to the warden, and sometimes have unpleasant controversies with him. They then demand more men as a matter of right, and sometimes attempt to intimidate him by threatening to charge damages, because they do not receive them. The warden is often accused of partiality by one contractor in awarding men to others.

195. Have you observed any evils to result from such controversies and crinations? Yes, ill blood and bad feeling are generated thereby, and this (as the convicts generally become aware of the facts) reacts injuriously upon the good order and discipline of the prison.

196. Does it ever happen that contractors claim and receive, as apprentices, all new prisoners sent to them, and enjoy the benefit of their labor for a considerable time, either without remuneration to the State, or at reduced rates? They sometimes claim men for a time as apprentices on half pay, and succeed in obtaining them; and in at least one instance, it was yielded as one of the conditions of contract by the inspectors, that all men placed on that contract who had no knowledge of the business were to serve as apprentices for six months, on half pay.

197. Do you regard such an arrangement as an injustice to the State? Such an arrangement is certainly unjust to the State.

198. Why? For the reason that the full pay for the labor of the men is only, on an average, about forty cents a day; and in consequence of this low price, contractors are expected to take, and it is but right that they should take, a fair average of all the convicts sent to the prison, and pay full prison wages for them.

199. Do not some kinds of business carried on by contractors require large shop and yard room in proportion to the number of men employed? Yes, that is so. Some contractors require a

much larger amount of room in proportion to the number of men employed than others. In some branches of business, a large number of men may work in a comparatively small space, while in others the men are very much scattered. In some shops, one keeper can easily guard fifty men, while in others he can not take the oversight of more than ten or a dozen. In some cases men are so scattered that more or less of them are constantly out of sight of the keeper. In some of the shops, a large quantity of bulky machinery is used, the running of which is very noisy.

200. How does all this bear upon the discipline? Very unfavorably. In the face of these various difficulties, it is impossible for keepers to preserve good order in their shops.

201. Do disputes ever arise between contractors or their foremen and prisoners respecting the value of over-work and the mode of payment for the same? Controversies of this kind do constantly occur.

202. Are they attended with any evil effects? They are the source of a great deal of bad feeling on the part of contractors, foremen and prisoners, and have a disturbing influence upon the discipline.

203. How do such controversies commonly end? The result is, in almost every case, adverse to the prisoner. The foreman knows that the prisoners' statements are inadmissible as evidence, and he takes advantage of this fact to cover up his own misdeeds.

204. Are convicts ever required to labor for contractors during the night and on the Sabbath? There are quite a number of steam engines used on the premises, and it is almost always the practice for contractors to require prisoners to clean the boilers and make some repairs on the Sabbath. It is sometimes the case, also, that convicts are required to work through the entire night.

205. Are escapes ever effected by convicts so employed, and, as a consequence, of being placed in such circumstances? Prisoners do sometimes make their escape while so employed, and, as I judge, in consequence of it. It is usual when work is required on the Sabbath, to send one guard with every two prisoners, for whose time the contractor must pay, since none of the guards are required by law to do duty on Sunday. Sometimes the contractor or his foreman will himself perform the duty of one such guard, to save the pay of a second man. I recall a rather amusing instance of an escape, on an occasion when a contractor was thus

acting as guard. While several prisoners were engaged in putting up some machinery on the Sabbath, a shrewd fellow skilfully arranged a part of the work so as to require the assistance of the guard to hold it in position till the prisoner himself would go outside of the building, in which the machinery was placed, to see that the work was properly adjusted about the roof. The contractor took the position assigned him, and held on to the machinery. The prisoner, however, neglected to return, and left him to take care of the machinery, while he was engaged on business more important to himself. The convict has not since been seen within the prison precincts.

206. Do escapes ever occur at other times, through the interference or carelessness of contractors or their agents? This I believe to be the case in many instances. It has several times happened that convicts have driven past the guard, under disguise, with the contractor's horse and carriage, which had been carelessly left in the prison yard, and in this way effected their escape from the prison. In one instance, after a prisoner had escaped, his cap was found outside of the prison premises in the contractor's wagon, the horses of which had been driven by the contractor's ordinary driver. It was fully believed that the prisoner escaped through the connivance of the driver.

207. Do contractors and their foremen keep horses and carriages all day, and sometimes all night, on the prison premises? They do, constantly, and that has been their practice for many years.

208. Are the chances of escape on the part of prisoners thereby increased? They are greatly.

209. Do you regard this practice as right and proper? It is, in my opinion, an abuse, and ought not to be allowed.

210. Is it a common practice for contractors and their foremen to interfere with the discipline of the prison, either by insisting on having the prisoners punished unjustly, or by interceding to have them excused from just punishment, that they may go on with their work? Both these practices are very common. They will insist upon having a prisoner punished sometimes for an accident, and sometimes for short work, when, on due examination, it has been ascertained either that the charge was entirely without foundation or that the act in question was beyond the prisoner's control. On the other hand, cases have occurred where a prisoner *has violated some rule, the infringement of which would properly subject him to punishment*; but inasmuch as he was an important

man in some particular place, the contractor or his foreman would intercede with the keeper not to report him.

211. Have contractors often succeeded in such attempts to control the discipline? Yes, they have generally been successful.

212. Have you any reason to believe that contractors or their agents ever lay plans to get prisoners into difficulty, so that they may report them for punishment? I have no doubt that this is the case. Such things have been reported to me by officers of the prison during the time that I was officially engaged there.

213. What effect does the presence of outsiders, laboring in the shops for contractors in company with prisoners, have upon the discipline and order of the prison? It is bad every way. The citizen watches every opportunity to communicate with the prisoners, though it is strictly forbidden. Prisoners are very anxious, as a matter of course, to hear what is going on outside of the prison, and to this end embrace every opportunity possible to communicate with these work men. This often gets the prisoner into difficulty, by inducing him to violate the prison rules. These citizen laborers also frequently trade with the prisoners, thereby tempting them to steal from the contractor or the State, that they may have something to exchange for contraband articles, such as liquor, groceries, etc., as explained in a former answer.

214. Is the contract system, in your opinion, consistent with, or antagonistic to, the interests of the prison, as a penal and reformatory institution? The contract system, in my opinion, is directly opposed to the interest of the State in every way. 1. It is opposed to the discipline of the prison, as it is impossible, in my judgment, to maintain perfect discipline under it. 2. It is opposed to the pecuniary interest of the State, for whatever profit accrues from the labor of the convicts goes into the hands of the contractor; while the losses incurred fall, for the most part, on the State. 3. It is opposed to the education of the convicts, because it does not leave sufficient time for a suitable attention to that great interest. 4. It is opposed to the moral reformation of the prisoners, since, though I do not doubt that much good has been accomplished by the chaplain and other philanthropical persons, in spite of it, yet I am inclined to believe that the evils growing out of the system, added to the baneful influence of party politics, have more than counterbalanced all the good that has been so accomplished, and that, if the prison buildings had



been pulled down long ago, and the prisoners allowed to go at large, the State and society would have been the gainers.

215. What do you say of the power of the contractors in our prisons? The contractors have very great influence over the entire management of our prisons.

216. From what source or sources do you conceive their power to spring? From four sources chiefly—knowledge, interest, money and political influence. The *first* source of their power is knowledge,—knowledge, I mean, of prison matters. Many of the contractors have been connected with the prisons for fifteen, twenty and twenty-five years; while the officers, with few exceptions, are changed every year or two. As a matter of course, the contractors acquire great experience, while the experience of the officers is necessarily very limited. The consequence is, that new officers, as well the warden as his subordinates, have to resort, or do resort, to contractors for instruction and guidance in their duties. It can readily be seen how strongly this tends to give them a directing and controlling power in prison affairs. The *second* source of their power is personal interest. For this the contractor works constantly, energetically and with all the sagacity and forecast he possesses; while, on the other hand, the officer, from the frail hold he has of his position, feels but little interest, comparatively, in the well-being of the institution. The former longs and works for power; the latter feels little concern and gives himself little trouble about it. The *third* source of their power is money. They supply the sinews of war; they are the money-kings of the prisons. How much influence this gives them, it is needless to say. The *fourth* source of their power is political influence. Contractors generally take a prominent part in politics. They often profess to be, and perhaps are, instrumental in procuring the nomination of inspectors; and, at all events, they usually take an active part in their election. In these, and perhaps other ways, they obtain a very powerful influence in the affairs of our prisons, and, to a great extent, mould their government and discipline.

217. Do contractors ever make their power felt in the appointment and removal of prison officers? Presuming upon an influence obtained in the manner just described, contractors very often intercede, successfully, with the board of inspectors for the appointment of guards and keepers, who, owing their position to the good offices of these gentlemen, naturally bend to their wishes, and carry out their views. On the other hand, they not unfrequently

insist upon the removal of subordinate officers, whom they do not like because they cannot control them, to make room for their own friends, who will be more subservient to their wishes.

218. Do you think that their power extends so far as to enable them to procure the removal of a warden, who might have rendered himself obnoxious to them? I think that, if the contractors would combine to that end, they might, at almost any time, exert an influence over the board of inspectors that would ultimately effect such removal.

NEW YORK, *September 18, 1866.*

Mr. HUBBELL's *examination was resumed:*

219. You stated, in answer to a former question, that you considered the reformation of criminals the great object of prison discipline—what is your idea as to the *practicability* of reforming this class of persons? I think there is no question but that one-half, if not three-fourths, of young men may, by judicious management, be reformed and made useful members of society. Some of the older men may, no doubt, also be reformed; much depends upon their antecedents. I am satisfied that a large number of young men, and even many in middle life, commit crime and get into prison, more from the force of circumstances than from a natural inclination to be dishonest.

220. You have stated what you conceive to be the influence of party politics in lowering the standard of qualification in prison officers—what, in your opinion, would be the effect of looking to fitness alone in making these appointments? The effect would be greatly to improve the discipline of the prison and promote the reformation of the prisoners, by securing a better class of men for officers.

221. Ought not considerations of this kind to be of paramount force in selecting officers? Undoubtedly. I think the one sole ground, on which persons should be either appointed or retained as prison officers, is that of their peculiar adaptation to the duties of such a position.

222. In your opinion, does not the present insecurity and brevity of the tenure of office in our prisons tend to repel men of character and competency from becoming applicants for such positions? There can be no doubt of this whatever. The operation of the system is something like this: The changes of officers are generally made in mid-winter, as the newly elected inspector comes into

office the 1st of January. A man from a distant county is appointed. He comes on, leaving his family behind him. The following May he removes them to Sing Sing. The next January, if the opposite party chance to succeed at the election, he is immediately turned out, even though he have a sick family on his hands, and despite the most earnest entreaties, on this ground, for a respite, at least, from the guillotine, of two or three months. I have myself known more than one instance of this kind. Now, it cannot be expected that industrious men, having a good position in the communities where they reside, would give up their business, and be at the expense of removing to a new and distant home, with such a liability impending over them, and more especially considering the very moderate, and, I may say, inadequate compensation paid for services in our prisons.

223. What, in your judgment, would be the proper and adequate remedy for this state of things? Nothing can effect this but a radical change in the present prison system of the State, and such a change can be brought about only by lifting the prisons out of the direct range and controlling power of party politics, and by a total abolishment of the contract system of prison labor. In order to free the government of the prisons from the domination of party politics, there must necessarily be a change in the constitution, and no person having anything to do with the prisons should be elected by the popular vote.

224. You have stated that contractors are a power in our prisons, wielding almost a controlling influence in their government and discipline—have you known, or had reason to believe, that they ever make use of bribery, direct or indirect, upon prison keepers, to induce them to wield the discipline of the prison to their advantage, or in other ways to promote their own private interests? I have no doubt whatever that this is often the case. In several instances I have had officers report facts of this kind to me; and in one case a contractor, to induce me to procure a certain number of men for him on favorable terms, promised that he and his friend would get the Legislature to do anything to my advantage that I desired, by increasing my salary or otherwise. He claimed that he could command sufficient influence in that body to get anything of the kind suggested done.

225. What proportion of all the discontent, insubordination and punishment in our State prisons is, in your opinion, due, directly or indirectly, to the contract system and its adjuncts? Where so

large a number of bad men are congregated as is the case in our prisons, there will always, of course, be more or less necessity for punishment; and if the contract system were abolished, it is impossible to say what other occasions would provoke misconduct; but at present it is quite safe to say that more than one-half of the punishments inflicted on convicts is due to the vexatious and disturbing influences of the contract system.

226. Do many of the prisoners, through over-work, gifts of friends, or otherwise, contrive to have money about them, in greater or less amounts, while in prison? or, if this is not the case, are there convicts who can control the use of money outside? I would answer both branches of this question in the affirmative. Before I assumed the duties of warden, it was the practice of contractors to pay what was earned by over-work directly to prisoners, and, as a consequence, they had money in considerable amounts. I required the earnings of over-work to be paid to the prison authorities, which diminished the sum in the hands of convicts; but there were some who, in one way or another, would always have more or less of it; and there are always those who can command it outside.

227. Do convicts who have or can control money ever employ it to bribe prison keepers, or contractors and their employes, to use their influence in any way to their advantage? Such things were frequently reported to me, and I have no doubt that they are of almost daily occurrence. Prisoners in this way obtain various indulgences, get their tasks lightened, procure themselves to be placed in the hospital, obtain desirable positions in the prison, and otherwise, in a variety of modes, better their condition therein. I have had reason to believe that, in several instances, during my incumbency, the friends of convicts, after their conviction and before they were put into prison, have made arrangements with particular contractors to get the said convicts placed upon their contracts, and to favor them as to their work and in other ways by the payment of money as a consideration for such indulgences.

228. Has the prison at Sing Sing ever been self-supporting? In 1836 and 1837, under the administration of Robert Wiltse, the labor of the convicts supported the prison, and paid into the treasury of the State some \$15,000 or \$16,000 a year. At that time the prison was doing a great deal of work for the State, getting out stone for the State House at Albany. Very large prices were charged for this work, and thus at least the appearance of

great pecuniary prosperity was secured. The prison paid its way, also, and a little more, during two years of Mr. D. L. Seymour's administration. It has never since, I believe, been really self-supporting.

What has been about the average annual deficit for the last ten years? If regard is had to the actual money earnings of the convicts and the actual money outlays on account of the current expenses of the prison, I should say that the annual deficit has been about \$50,000; but there has, at times, been a mode of keeping the prison accounts which has made the deficit appear to be considerably less than this.

Is there any difference in this respect between Sing Sing and the other State prisons, and, if so, what do you conceive to be the causes? At Clinton prison it has been worse than at Sing Sing, owing to the great cost of supplies on account of its remote inland position, and owing, also, for the same reason, to the diminished profits of labor. Auburn has been almost always self-supporting, and much of the time has yielded considerable surplus revenue, or at least it has been so claimed. This has arisen from two or three causes: 1. The supplies there have usually been obtained at a cost very much less than at Sing Sing, the difference in favor of Auburn being sometimes as much as fifty per cent. 2. The prisoners are of a better class physically, and their labor has, consequently, brought a higher price. 3. There has always been a good home market, which has enabled the contractors to sell more readily and at more remunerative prices.

229. Is it, or not, your opinion that considerations of revenue, or money making, have heretofore had, and now have, too much weight, both with our legislatures and our people, in the management of convict prisons in this and other States? I think that all considerations of making money through the labor of convicts should be secondary to that of their reformation, whereas, now, this is, in my opinion, made the primary object. Undoubtedly, all prisoners who are able should be made to labor industriously and systematically, such labor being an essential condition of their reform, but at the same time, the thing mainly to be kept in view is reformation, and not revenue. Revenue should be simply an incident; reformation the end.

230. From your observation and inquiries, in the visit recently paid by you, to the English and Irish prisons, how would you say *this matter stands* in those countries? Pecuniary considerations,

so far as the earnings of convicts are concerned, are not made prominent; indeed they are looked upon as of less importance than any other interest connected with prison administration. As it regards the general objects and methods of prison discipline, I found two great parties, one strenuously advocating the old system of sternness and severity; the other no less earnestly contending for humanity and kindness, as the great thing in the treatment of prisoners. Among the latter class, are numbered the venerable Recorder Hill, Sir Walter Crofton, Miss Mary Carpenter, and other earnest workers, who have done so much and become so conspicuous in the labors of philanthropy, and particularly in the department of prison reform.

231. Would the State, in the long run, in your judgment, be most benefited, pecuniarily, by large immediate money returns from the labor of its convicts, or by restoring them to society reformed, so that they should be absorbed into its industries as upright and virtuous citizens? If the State did not realize a single dollar from the labor of its convicts during their imprisonment, still, if these convicts should become really reformed, through the influences brought to bear upon them during their incarceration, my decided conviction is that, in the end, she would thereby gain more than she would lose, even in dollars and cents. At the same time, I am also intimately persuaded that by pursuing reformation as the primary object, her immediate money returns would be larger than they are under our present method.

232. What do you conceive to be the duty of the general public in relation to liberated convicts? I have long been surprised at the apathy of the community on the subject of our prisons and criminals. There are few things that touch the interest of the public more closely or profoundly than the treatment of its criminal population. And, especially, I think that society has a most important duty to perform towards those who, having suffered the punishment of their crimes at its hands, have again returned to its bosom. They should not only give them a chance, but help them to regain their former character and standing. They should extend to them the hand of sympathy and kindness. They should give them their confidence. They should offer them the opportunity of work. In a word, they should encourage and aid them, to the utmost, in their efforts to recover their lost manhood, and to win back the respect and esteem of their fellow citizens. At the same time, it should be impressed upon the discharged con-



vict to be modest and retiring, to be willing to follow rather than to lead, to be willing and even glad to take a back seat, till he shall be invited to come forward. It was ever my habit to try to impress this upon prisoners, who were about to emerge from the prison walls, and to mingle once again in the walks of men. I am very much opposed to having the impression made upon a convict's mind, that on his return to civil life, he is to become the pet of those whom he has wronged by his misdeeds.

233. What did you observe to be the effect of the commutation law upon prisoners? When the law first came into operation, owing to a want of a perfect understanding of it on the part of convicts, it created an excitement and an uneasiness which resulted, sometimes, in discontent and dissatisfaction. Moreover, the monthly gain of time was so small that it had little effect upon the prisoners who were put in on long sentences; the diminution of the term of sentence which it held out appeared so small that it lost all effect. However, as the law came to be better understood, and as it was afterwards modified so as to allow prisoners to earn more time, its influence over the men became greater; and, upon the whole, I regard the effect secured by it upon the feelings and conduct of the prisoners as decidedly beneficial. At the same time, I do not think it works as well as the mark system, invented by Capt. Maconachie, of England, whereby a convict can gradually work his way to liberation and freedom.

234. In your opinion, should the principle of rewards enter more largely than it does at present into the administration of our prisons? I am decidedly of opinion that prisoners should be stimulated and encouraged by hope, and this can be effected only through the operation of rewards.

235. What system of rewards would you propose? I would begin with a careful system of classification, taking the age, antecedents and characters of the prisoners as the basis. I would have a system of merit marks, of privileges to be increased in accordance therewith, of money gratuities, of liberty, trust, and even recreation, to be extended and enlarged in proportion as they should be earned. This expresses my general idea, but it is impossible, restricted as this evidence must necessarily be, to go into any details as to the methods and appliances whereby I would carry it out.

236. How far is religion employed as an agent of reformation in *Sing Sing* prison? Religious instruction has been faithfully

imparted, so far as it could be done by one chaplain, in a single public service upon the Sabbath, and in private conversation with the prisoners, to a greater or less extent, during the week. There was a prayer-meeting every other week, but whether it is kept up now, I do not know.

237. Would you have the religious element made more prominent than it now is? I would, decidedly.

238. How much attention is given to the education of convicts at Sing Sing? Very limited instruction is given by teachers, who go from cell to cell at night, spending only three or four minutes with each convict, and visiting the same person not more than once in eight or ten days, sometimes even less frequently.

239. Would you give greater prominence to the educational as well as to the religious element? Yes, a great deal more attention should be given to this important matter. I would have such convicts as need instruction regularly gathered into a school room, in successive classes through the day, and of course a competent teacher appointed to give his whole time to the work of instructing them. He might be aided, as I understand is done in the Provincial Penitentiary of Canada, by the best educated and more trustworthy convicts. The convicts more advanced in education I would have assembled on certain evenings of each week to listen to familiar lectures, and to enter into discussions and debates under proper regulations, as is done under the direction of Mr. Organ in the intermediate prisons of Ireland. In this way, through the regenerative agencies of religion and education, I would have their dormant powers aroused, their inquisitive and reflective faculty quickened, their minds stored with new and better ideas, their moral sensibilities cultivated, their principles and modes of thinking rectified, their consciences enlightened and invigorated, their will directed to the choice of right objects and aims, and their whole being—intellectual, moral and sentient—as far as such a result can be accomplished by human, aided by Divine power, moulded anew, and fitted for absorption into virtuous society, and for exertion on a theatre of virtuous labor, on their liberation from the walls of their prison-house.

NEW YORK, *August 11, 1866.*

WM. H. PECK *was sworn and examined:*

240. Where do you reside? In Sing Sing, New York.

241. Have you ever held the position of agent and warden in

Sing Sing prison? I held the position of agent, which answers to that of agent and warden now.

242. When did you hold that office? From May, 1843, to September, 1845.

243. Have you been familiar with the government of the prison since then? Somewhat so.

244. How far do you conceive party politics to be a controlling power in the management of our State prisons? Party politics has a dominant power over the government of our state prisons.

245. What is the effect of thus subjecting our prisons to the control of party politics? The effect is to introduce into the prisons inferior men as officers, even at the cost of displacing men of experience and competency.

246. Has the contract system always prevailed in Sing Sing prison? Since I have known anything of the prison affairs, it has.

247. In your opinion, has this system a favorable or unfavorable influence upon the discipline of the prison? In my opinion, the influence is unfavorable.

248. Why? Because the interest of the contractors leads them to violate the rules of the prison by introducing contraband articles into it.

249. What contraband articles? Spirituous liquors, groceries, dry goods, &c.

250. To what end are these articles introduced? To make money by their sale, and to gain the favor of the convicts.

251. Has the Sing Sing prison ever been self-sustaining? Not to my knowledge; it may have been a few years.

252. Has this failure been, in your opinion, in any measure occasioned by the contract system? I think it has.

253. Do you think that a warden of competent business talents and upright character could so manage the labor of the prison as to make it, not only self-sustaining, but a source of revenue to the State? I think so most certainly.

254. What do you conceive to be the primary object of prison discipline? The reformation of the convict, with a view to prevent his preying upon the public, and to make him a useful man.

255. Are our State prisons, in your opinion, arranged and conducted with a primary reference to this object? I should say *not*; certainly the present system is not calculated to bring about *that end*.

256. Do the contractors, or do they not, exert a large influence in the appointment and removal of officers? I think that the contractors have a great influence in all matters pertaining to the prison, and especially in the appointment and removal of officers.

CLINTON PRISON, *August 20, 1866.*

Rev. JOS. A. CANFIELD *was sworn and examined:*

257. Where do you reside? In Dannemora, Clinton county, N. Y.

258. What is your business? I am chaplain of Clinton prison, and have held that office for three years.

259. What is your opinion as to the proper size of a State prison? I think a prison capable of containing 500 or 600 men better than a larger one.

260. What, in your opinion, should be the primary object of prison discipline? The reformation of the convicts.

261. Is it your opinion that most convicts are susceptible to reformatory influences, and that, under a proper system of prison discipline, they might be reformed? From my experience, I should say that much the larger part might be reformed.

262. Is the reformation of convicts made the primary object in the administration of the Clinton State prison? I think reformation is not made the primary object, for, in that case, men would be the product. The main object here has seemed to me to be to make *nails*, and not *men*.

263. What do you consider the proper qualifications of prison officers? A ready insight into human character, good general intelligence, decision of character, firmness of purpose, a quick sympathy with all that are in circumstances of trial, incorruptible honesty, strict temperance, religious training and sympathies, and physical and moral courage.

264. Is it your opinion that these qualifications are, in the main, possessed by the officers of this prison? I do not think that the officers in this prison, as a general thing, possess the qualifications I have named; nor do I think that, under the present system of appointments, we can ever have officers who will possess them.

265. In what way are the industries of Clinton prison managed? By the state, under the direction of the inspectors and warden.

266. How long has this been the case? For the last 12 or 16 months.

267. How was the labor previously conducted? On the contract system.

268. Is it your opinion that the contract system should be retained in our prisons, or discarded? From my observation of its effects, I think it should be discarded.

269. What, in general, was the character of the contractors' employes? Most of them were men who took little or no interest in the welfare of the prisoners; and these sometimes complained of their oppression. The first qualification with the contractors was to secure men who could do the greatest amount of work; the second, to obtain men of moral character.

270. Was sufficient time afforded for due attention to the moral, intellectual and religious interests of the prisoners? The system interfered with these important objects.

271. Is your judgment in favor of assigning tasks to convicts, or do you think it best to require all able-bodied men to labor throughout the working hours of the day? I think that the plan of assigning reasonable tasks is best, for the reason that it gives the prisoners time for reading and studying, or for doing over work, if it is allowed. Perhaps a better plan would be to give convicts some percentage of their earnings.

272. Did disputes often occur between contractors and the principal officers of the prison, growing out of the number and quality of the men put upon the contract? They did.

273. Did any injurious consequences follow these disputes? Their influence was bad upon the officers, and indirectly upon the prisoners. They made it difficult to carry on the prison under that system.

274. Were contractors in the habit of requiring men to work for them on Sunday? Convicts were required to clean engines and boilers on the Sabbath.

275. Was any compensation paid to the State for such labor? It was understood that no compensation was paid to the State.

276. Are the interests of contractors and the interests of the prison as a penal and reformatory institution concurrent or antagonistic? I should say antagonistic.

277. Wherein does the antagonism consist? In this, that the interest of the contractor is in making money out of the labor of the convict; whereas, the supreme interest of the State is his *reformation*.

278. What would you say as to the power of the contractors? It was great, and must have been so, from the nature of the case.

279. What was the influence of the contract system on the discipline of the prison? It tended to demoralize it.

280. Is it your opinion that the avails of convict labor in our prisons should be applied to the payment of officers' salaries as well as to the clothing and subsistence of the prisoners? Their earnings, after paying the expenses of their own subsistence, should, I think, be employed in their mental and moral improvement, and in the accumulation of gratuities to be paid them on their discharge, as a reward for good conduct. I do not think that they should be applied to the payment of officers' salaries.

281. What have you observed to be the effect of the commutation law upon the conduct of prisoners? Decidedly beneficial.

282. Do you think that the religious element as a means of reformation is made sufficiently prominent in this prison? I should say not. One service and a Sunday school on Sabbath morning are all the public religious services the prisoners enjoy.

283. What breadth would you give to religious exercises in the prison? I would at least have a service every morning, consisting of a Scripture lesson, singing and prayer, with perhaps a remark or two. But what we need even more than this is a class of officers whose general influence over the men will be of a good religious character. The increase of public services by the chaplain is not of as much importance as this general influence.

284. Do you think that sufficient attention is given to the education of convicts in this prison? I do not.

285. To what extent would you have it increased? I attach the greatest importance to the education of the convicts, both as fitting them for the duties of life after their discharge, and as an aid to their moral and religious improvement while in prison. The farther, therefore, their education can be carried, consistently with the other ends of imprisonment, the better it will be. I would have the whole prison divided into classes according to their progress in knowledge. A well qualified teacher should be employed, who would give his whole time to the duties of instruction. There should be a schoolroom, conveniently arranged and furnished with all the needful aids in giving lessons. The several classes should be received by him, in succession, daily, and be instructed at least one hour. All convicts showing an aptness for penmanship and accounts, should be fully instructed in those



branches, so as to become qualified for the position of clerks and accountants, on their liberation from prison.

286. Would large immediate money returns or the reformation of prisoners be, in the long run, most to the pecuniary advantage of the State? I think that it would be immensely more profitable to the State to reform the convicts, and send them forth from prison honest men.

287. Supposing reformation to be the primary object of prison discipline, how should the sentences of criminals be adjusted with a view to that result? My idea is that sentences should be of indefinite duration. Men should be discharged as soon as they are reformed. I think the present system of time sentences is productive of great injustice, and is irritating to the prisoners.

288. Do you think it wise or unwise to wound the self-respect of prisoners more than is absolutely necessary to good discipline? I think that everything calculated to degrade a man in his own eyes and destroy his self-respect should be avoided.

289. Is the distinctive prison dress observed to have the effect of wounding the self-respect of convicts? I think that it has such effect in the case of some prisoners.

290. Would it be wise to abolish it? I am not positive. It diminishes the chances of successful escape from prison, and in that view has its value.

291. Is the lock-step open to the same objection as the parti-colored dress? It is.

292. Would you have it abolished on that account? I am not clear. The argument for it is, that it diminishes the chances of escape, and promotes discipline by bringing the prisoners more easily under the control of the keeper.

293. What, in your opinion, are the principal defects in the present management of the prison? Much the same as under the contract system; but there is this material difference, that now the evils are accidental and temporary, whereas they are inherent in the very nature of the other system; they can be far more easily remedied under the present system.

294. What remedy would you propose? I think that all the defects might be remedied by changing the main object from that of making money to that of reforming the convicts.

295. What are the evils growing out of politics as a power in the government of our prisons? It gives us a class of officers *unfitted for the positions to which they are called, appointments being made solely on the ground of party services.*

296. What do you think of the importance of removing our prisons from the sphere of political and party influence? I think they never can be made what they should be till that is done.

JOHN WALLIS *was sworn and examined:*

297. Where do you reside? At Dannemora, Clinton Co., N. Y.

298. What is your business? I am now principal keeper, and have served as guard and keeper in Clinton prison during a period of eleven years.

299. How is the labor of this prison conducted at present? By the State.

300. In what way was it formerly managed? Most of the prisoners were let on contract.

301. How long has the State managed the labor of the institution? From 12 to 18 months.

302. From what you have seen of the working of these two systems, to which do you award the preference? I think the present system is more for the interest of the State and better for the prisoners.

303. How so? It is more for the interest of the State, because the State has the benefit of all the earnings of the convicts; and it is better for the prisoners, because all outsiders brought in by contractors, who had no direct responsibility to the authorities, are removed, and with them one of the greatest sources of irritation, annoyance, and punishment.

304. In what respects was the working of the contract system unsatisfactory? In many respects. 1. The contractors would, by various inducements, lead some convicts to do an extraordinary day's work, and then claim that that should be the standard of an ordinary day's work. 2. The system generated disputes between the contractors and warden. 3. Liquors and other contraband articles were introduced into the prison through the agency of contractors' employes. 4. The contractors interfered with the discipline by getting keepers removed from shop to shop for their accommodation and benefit. 5. They would endeavour, and frequently succeed in the endeavour, to get keepers dismissed, and others appointed in their places. 6. They sometimes made reclamations from the State, which I could not but think unfounded and unjust. These things gave much trouble, and tended to unsettle and demoralize the prison.

305. What is your opinion in respect to the effect of political influence in the management of our prisons? It leads to the appointment of incompetent men. The frequent changes of officers produced by it tend to unsettle the discipline. The keepers' interest in the welfare of the prison is diminished thereby.

STATE PRISON AT AUBURN, *Aug. 23, 1866.*

Rev. BENONI I. IVES *was sworn and examined :*

306. Where do you reside? In Auburn, N. Y.

307. What is your present occupation? I am chaplain of the Auburn State prison.

308. How long have you served in that capacity? I have been in office a little less than eight years. My last appointment was from January, 1865.

309. In your official relations, have you had an opportunity to learn the working of the contract system (so called), as carried on in the Auburn prison? I have had such opportunity.

310. Have you observed any effects of this system, which you deem to be injurious to the interests of the State, or of the convicts? My opinion is, judging from my observation, that the contract system is injurious to the State financially, and to the convicts as regards their reformation.

311. Will you mention in what respects it is injurious to the State financially? First, the State loses large sums by letting the labor of its convicts at prices far below those paid for the same kinds of labor outside. Secondly, the State loses by surrendering profits which she might realize. A capable, honest man at the head of the prison might make all the profits which are now made by contractors. Thirdly, the State loses by often compromising, at large discounts, her own just claims against contractors. Fourthly, the State loses by paying heavy damages, most if not all of which rest on no basis of right.

312. Will you give some instances of these unrighteous claims for damages? There have been instances in which five or six men have been absent, for a fortnight or so, from the shops, on account of which absences, the contractors have claimed damages equal to the wages of all the men in the said shops for an entire month. There have been other cases where revolts have taken place or work been damaged, and the contractors have come upon the State for large damages in consequence. At other times, difficulties have occurred in shops, on account of which men have been taken

out and locked up in dungeons for punishment, and here, again, claims for heavy damages have been set up.

313. Have claims like those to which you have referred been allowed? Yes, large proportions of them have been allowed and paid.

314. You have stated that you regard the contract system as injurious to the interests of the convicts—in what respects do you so regard it? In the first place, the influence of the citizens introduced into the prison by the contractors as foremen, instructors, and sometimes as workmen, is injurious to them in many ways. Very many of these persons are of a character that makes it certain that their influence upon the prisoners will be bad; yet they circulate freely among them, and talk with them as they choose. They bring in contraband articles to sell to the convicts at enormous profits, as whiskey, groceries, tobacco, and even books and papers of an impure, exciting and pernicious character. The introduction of these articles leads to drunkenness, deception and false accusation, and creates bad blood and animosity between prisoners and officers. Nearly all the difficulties that occur in the shops grow out of disputes arising between the contractor or his foreman and the prisoners; and these disputes and difficulties often end in the punishment of the latter. Secondly, convicts, under the present system, whether justly or not, have the impression that the only thing cared for is to make money out of them; and while they entertain this conviction, it is difficult to make a moral or religious impression on them. In many instances, I think, this impression a just one. We have had contractors whose sole idea was to make money out of the convicts, without the least care for their higher interests. Thirdly, the system is antagonistic to the moral and religious interests of the prisoners, inasmuch as it does not allow of sufficient time for instruction in and attendance upon duties of that nature. Fourthly, it is equally opposed to the intellectual and educational interests of the convicts, since it allows no time for school during the day, and if the letter of the contract is carried out, which requires the men to work from bell to bell, they have little time for study and reading, especially during the short days of autumn and winter. In the fifth and last place, it is often injurious to the physical well-being of the prisoners. There are men who, under the stimulus brought to bear upon them, work more than is good for them, and some work when they ought to be excused; though these evils are, in a great measure, mitigated

through the judicious and firm course of the present physician, Dr. Button.

315. Do contractors or their employes ever make use of profane and abusive language to the prisoners? I have reason to believe that they do.

316. Do they ever enter the prison precincts under the influence of liquor? Such things have occurred.

317. To what extent have the contraband articles to which you have alluded been introduced? There have been times when this has been done to quite an extent, though I know of no such cases at present.

318. Do disputes often occur between contractors and the principal officers of the prison with regard to the number and quality of the men put upon their contracts? I have known of such cases.

319. Are convicts sometimes required to labor for contractors on the Sabbath? In past times this has been done to a very considerable extent; but such is not the case under the present warden; he is a religious man and will not allow it.

320. Do contractors ever report prisoners for punishment? This has been done frequently; and in some cases, where prisoners have not been punished, the contractor has complained of the officer.

321. Is it your opinion that the interest of the contractors and the interest of the prison as a penal and reformatory institution, are concurrent or antagonistic? I think, as a general thing, they are antagonistic.

322. Is the power of the contractors in our prisons great? I should say that as a general thing it is very great, although not so much at present in Auburn as formerly.

323. How does the contract system affect the discipline of our prisons? I think its influence deleterious to their discipline. In what I have said with regard to the contractors and their foremen, I would not wish to be understood as reflecting on the gentlemen at present holding these positions. I think that the present contractors and their foremen are upright, honorable, gentlemanly, kind-hearted men, and men of good moral character.

324. Should the contract system, in your opinion, be continued or discarded? I think, unhesitatingly, that it should be given up.

325. How far has political influence affected the appointment of

officers to Auburn prison? Political influence appoints them all. Many of the best officers I have ever known have been removed solely on political grounds, and men of directly opposite character appointed in their places.

326. What has been the effect of this political influence on the discipline of the prison? As far as my observation goes, I should say the effect was very injurious. It is injurious to the discipline, because every new man has to be "tried on;" that is, many of these convicts are shrewd men; their business has been to read men; and before a new officer can become acquainted with them, they are very sure, in some way, to take advantage of him. When there is a change of officers, there is apt to be a general "stirring up" of the convicts. Political discussions often take place among the new officers, and opportunities for escape are closely watched for. Again, the inexperience of men newly appointed operates very adversely to good discipline. By these political appointments, men are often brought in as officers, whose influence is not only not good, but is positively injurious to the convicts. I have often had convicts say to me, "Chaplain, I used to like liquor outside, but I don't like to get it second hand here, by smelling the keeper's breath." Such remarks I know in some cases to have been well founded. There have been cases also, where officers have come here, whom convicts, from the same part of the State as themselves, said they had known and gambled with, and whom they knew to be, in other respects, of immoral habits. It is impossible but that such things should have an unfavorable influence on the discipline of any prison where they exist.

327. What is your opinion as to the propriety of subjecting our prisons to the abuses attendant upon political influence? I think that our State Prisons should be as free from all subjection to party control as the Insane Asylum at Utica, and other kindred institutions.

STATE PRISON AT AUBURN, *August 24th*, 1866.

MORGAN AUGSBURY *was sworn and examined* :

328. Where do you reside? In Auburn, N. Y.

329. What is your business? I am agent and warden of the Auburn State prison.

330. How long have you been agent and warden? Only since the first of this month.



331. Had you held any office in the prison previously? I was clerk for eighteen months prior to that time.

332. Have you had an opportunity to observe the management of the industries of the prison? I have.

333. On what system is labor carried on in the Auburn State prison? On the contract system.

334. Do you consider this system advantageous to the State and the convicts? I do not consider it advantageous to either, but the contrary.

335. In what respects do you regard it as disadvantageous to the State? There results from it a conflict of interests. In this conflict the contractors usually come off victorious. They frequently claim damages for pretended non-fulfillment of labor by convicts, which claims are often unfounded, and which they themselves have reason to know are unfounded. They sometimes become debtors to the State for large amounts; which debts are settled by compromises far below the real amounts due. In the second place, the labor of convicts is let at prices far below that paid for the same kind and quality of labor outside. I think that the prison might be made a self-sustaining institution, if its industries were managed on account of the State rather than by contractors.

336. In what respects do you consider the contract system injurious to the convicts? Bad blood, and a feeling of antagonism between convicts and contractors, are often created by contractors exacting from prisoners, especially those for whom they entertain an antipathy, greater tasks than they are able to perform. This makes it the interest of the convicts to please the contractor rather than the keeper. The employes of the contractor, also, are sometimes addicted to the use of intoxicating drinks, which is perceived by convicts, and revives their desire. These employes often bring in liquor to prisoners. I have found liquor in the cabinet shop, which could not have been introduced but by some employe of a contractor. Convicts have often been stimulated to do overwork to such an extent as to break down their health and bring them into the hospital. On one occasion, a contractor who had but eighteen men in his employ, was so exacting that there were as many sick men in his shop as in other shops where there were 150 men. The employes of the contractors are often, also, men of immoral character, who exert a bad influence on the prisoners. *They have been known to carry out and bring in letters for convicts. They also inform prisoners of what is transpiring outside.*

Again, the convicts, under this system have no time for reading or study in the short days of winter.

337. Does the contract system create disputes between the contractor and the warden with regard to the number or qualifications of the men put upon the contract? It does sometimes; and the influence of these disputes is very bad. The fact that the influence of the contractor is thus opposed to the warden tends naturally to the removal of the latter.

338. Is it the practice of contractors, in dull times, to do all they can to get rid of a good portion of their men, and in this way retain none but the best hands in their contracts? They do make such endeavors.

339. Are they successful in these attempts? They are sometimes successful.

340. Assuming that, at the present time, the contractors in the prison are upright, honorable men, is there anything in the system by which that class of men can be uniformly secured? There is nothing in the system to secure this, except that the inspectors and the warden have a discretionary power to reject the highest bid, when they deem it for the interest of the State that it should not be accepted.

341. Is it possible in all cases for inspectors or the warden to be acquainted with the character of the persons making bids? It is not. The law requires them to advertise in every newspaper in every city in the State. On that account, bids may be often given by men of whom the inspectors and wardens know nothing.

342. As far as you know, has this power, which is vested in the inspectors, of rejecting unsuitable persons, ever been exercised? As far as I know, it has not. Moreover, I think it would be impracticable to exercise the power, unless in extreme cases. While the contract system continues, it might also be inexpedient to exercise it, because under that system the leading object is to keep the men employed; and, as in some cases there is only a single bidder on the contract, if he were rejected on account of the want of high moral character, convicts might remain without employment.

343. Assuming that any particular board of inspectors is careful in rejecting men of bad character, is there anything in the system by which inspectors are elected, which will secure the continuance of this policy? There is not. The inspectors change as political parties change. Even when the members of the board happen to

be all of the same party, its character may be changed in the space of two years, by new elections.

344. Are there combinations among contractors to promote their own interests? I think there are. Thus, one contractor will apply for a regulation in his own favor, when it is really intended to work in favor of some other contractor. They act thus in concert because their interests are identical in that respect, even though such action is opposed to the interests and regulations of the prison.

345. Are there ever combinations among contractors to reduce the rates to be paid for convict labor to as low a standard as possible? I think there are. I am acquainted with an instance of the following kind: A contractor decried, in the strongest terms, the labor of the convicts, and impugned the excessive harshness of the prison regulations with respect to contractors, with a view to discourage competition, and to influence the public mind to acquiesce in a low rate for convict labor. When the bids were made, he put in one at a very low rate, while, as I have understood and believe, he was interested in another at nearly double that rate.

346. What are the rates at which convict labor is let, compared with those paid for the same kinds of labor outside? They are very low, being about one-third of those paid outside, exclusive of shop and yard room, which are important items. Thus, in the shoe contract, entered into this very month, the men are let at 50 cents per day for five years, together with the use of buildings worth \$2,000 a year, which the State is obliged to keep in repair, as well as furnish stoves or pipes for heating, at an expense of several thousand dollars more.

347. What, in your opinion, would the labors of such men be worth on an average outside? I should say fully \$1.25 on an average, and I think this a low estimate.\* The shops also would

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\* Mr. Augsbury may well say "I think this a low estimate." It is undoubtedly much too low. An officer of the Auburn prison stated to the commission that the gentleman who had taken the contract, in a conversation with him on the very day in which the papers had been executed, boasted that he had obtained men at fifty cents a day, whose labor would cost him, outside, as wages now range, three dollars a day. The officer to whom the commission is indebted for this statement, and who is worthy of all credit, had no hesitation in making it informally, but was unwilling to have it recorded in his testimony. Confirmatory of this is the additional statement, received by the commission from another but equally reliable source, that the contract in question would have commanded, within twenty-four hours after it had been concluded, an advance of \$10,000 to \$20,000. The commissioners deem it proper to state, in all candor, that they are far from wishing to convey the impression that this contractor ought to have given three dollars a day for the

have to be rented outside, at prices apart from this. But the inspectors considered this as good a bid as could be obtained, as bids run.

348. Can you mention any other cases, showing how the State suffers and the contractors profit by the present system of letting convict labor? Yes. There was a contract given out in 1863, on which the men were let at 40 cents per day. A water-power worth \$1,500 was given to the contractors at \$240; and yard and shop room, which would rent outside for \$2,000 a year, was thrown in without charge. This contract was to run, as usual, for five years. After the profits of two years had been realized, and only three years remained of the contract, the original party sold it out for \$30,000, equal to \$10,000 a year.

349. Supposing the rate of labor to rise after a contract had been let, would the State profit by the advance? It would not; the contractor would derive the whole benefit. The case mentioned in the preceding answer is a clear proof of this.

350. Is there any probability that contractors would suffer by a fall in the prices of labor? Not any; and, moreover, if that should happen, they would be likely to clamor for a relief bill from the Legislature.

351. Thus, is it your opinion that all the profits accrue to contractors, while the losses fall upon the State? Such is my opinion.

352. Is it possible for the industries of the prison to be carried on so as to make the prison self-sustaining under the present contract system? In my opinion, it is not, under the present prices for labor and provisions, for the rate of convict labor has not risen in proportion to the cost of ordinary supplies.

353. Are the interests of the contractor and the interests of the prison as a penal and reformatory institution concurrent or antagonistic? They are antagonistic.

354. What, on the whole, do you conceive to be the influence of the contract system on the discipline of the Auburn prison? I think it is bad.

355. Do contractors ever directly interfere with the discipline

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men hired by him, for the contract has five years to run, and it is impossible to foresee what decline may take place within that period in the rates of wages; but what they insist on is, that the rate actually paid is out of all reasonable proportion to the fair, honest value of the labor hired; and this is proved by the very large bonus which the contract would instantly have commanded, as stated above.

of the prison? I think they have interceded in one or two instances in favor of the convicts, though not in his presence.

356. Do they ever press for the punishment of the convicts? They have in a few instances, and if their request is not granted, they feel offended.

357. What would you say of the power and influence of contractors in our prisons? The answer to this question depends upon circumstances. There are keepers who would be very much influenced by contractors. The system also admits of contractors, who are politicians, exerting a great influence over inspectors who are likewise politicians, and members of the same party, and whose election they have aided. The contractors, again, would naturally obtain influence from the fact that they are long in the prison, while the officers are there commonly only for a short period, which sometimes results in their becoming instructors of the officers.

358. Does the contract system, through over-work, facilitate escapes? It does, for the reason that the convict escaping has money to procure subsistence; and this in direct opposition to the rules of the prison. All the convicts who escaped last fall and were re-captured had money on their persons. which, it is morally certain, was paid them by contractors for over-work.

359. Assuming that the State could carry on the prison industries by permanent, capable and efficient men, would you prefer this to the contract system? I should, decidedly.

360. What do you think of political influence in connection with our prisons? I consider such influence bad. Both appointments and removals are unfavorably affected by it. The true method is, when a competent officer is secured, to continue him in office during good behaviour, without regard to his political creed.

361. Who do you think should have the power of appointing and removing the subordinate officers of our prisons? The warden; although the exercise of this power would be personally distasteful to me. Then I would hold the warden rigidly responsible for the due discharge of the duties of the subordinates.

362. Are the duties of a warden arduous and difficult? They are. They require for their proper fulfillment a man of good judgment, firmness and experience. A warden without experience labors under great difficulties. He is placed in the position of a colonel commanding a regiment, when his subordinates know much more of *his duties* than he does himself.

363. What are some of the evils resulting from the controlling

power of party politics in our prisons? First, in respect to discipline, it results unfavorably, inasmuch as experienced men are removed, and inexperienced men are appointed in their places. This invariably occurs when the political complexion of the board of inspectors is changed. Such changes occur in fact every few years. In the second place, these constant changes often result in the appointment of men to office, who are of bad moral character, and whose influence over the convicts is very injurious. I am here speaking upon general principles. I think we have no such men in the prison at the present time. There have been keepers in the prison who were addicted to gambling and intemperance.

364. Does it not often happen that there are alternations in the appointments and removals, so that an officer will go out of the prison when the political complexion of the board is changed, and will return again when his own party comes into power? It does frequently. That has even happened with the chaplain.

365. Should it ever happen that the board of inspectors are not men of high moral character, does the system admit of their awarding contracts to men who are of their own party? It does.

366. What do you consider to be the primary object of prison discipline? The reformation of the convict.

367. Which would be pecuniarily most profitable to the State—large immediate money returns from the labor of the convicts, or moderate returns during their incarceration, combined with their reformation and ultimate re-absorption into society as virtuous laborers? I think the latter, most decidedly. It is pecuniarily more the interest of the State to reform the convict than to make money out of him; since in the former case, he will be far less likely to prey upon society, or to be an expense to the State when discharged, and I think that a convict is always an expense to the State.

368. What is the relation of intemperance to crime? Intemperance is the principal source of crime. If the use of intoxicating liquors could be wholly broken up in this State, the State would gain hundreds of thousands of dollars. In fact, nearly every case of crime can be traced, directly or indirectly, to the use of intoxicating drinks.

369. Is over-work now allowed in Auburn prison? It is not now allowed, but money for over-work is, in some shops, surreptitiously paid by contractors. As I have before stated, all the men who escaped last fall and were recaptured, had money on their



persons, which must have been paid them by contractors. It is absolutely impossible, under the present system, to prevent this violation of the rules.

370. What is the effect of over-work on the physical well-being of the convicts? It tends to break down their health. They are sometimes stimulated to perform an excessive amount of over-work, thus rendering it necessary to send them to the hospital, where they are burdens on the State.

371. Do you know any good results from the system of over-work? I do not, except that in some cases the money thus earned goes to the support of the convicts' families.

372. Is not the money thus earned often wasted by the convicts? It is. Money is frequently paid to lawyers to secure a pardon, which brings the convict no advantage. I have known some prisoners to pay lawyers several hundred dollars, for which they receive absolutely nothing. This, however, cannot now be done. This whole matter, so far as it concerns Auburn prison, is a thing of the past, as over-work is not allowed here at present.

373. While the system of overwork was allowed here, did the contractors deposit the money so earned with the warden, to the credit of the convicts, so as to draw interest? They did not, and great dissatisfaction was felt by the convicts at the neglect.

374. Will you state when, by whom and for what reasons over-work was abolished in Auburn? I have carefully examined the minutes of the board of prison inspectors, as also the minutes of the different inspectors in charge at different periods, during the year 1864, when over-work was carried on very extensively in the prison, and I find no permission granting the same, and no order, then or since, for its discontinuance. It is but reasonable to suppose that overwork was allowed by common consent, as it was known to exist by all in authority, and abolished through the influence or recommendation of the inspectors, when they found the pernicious effects produced by it.

JAMES D. BUTTON, M. D., *was sworn and examined:*

375. Where do you reside? In Auburn, N. Y.

376. What is your present occupation? I am physician in Auburn State prison, and have held this office since January, 1862.

377. Have you had an opportunity to learn the working of the contract system (so called), as carried on in the Auburn prison? *I have.*

378. Have you observed any effects of this system which you deem to be injurious to the interests of the State or of the convicts? I have, to both. I consider the interests of the State and convicts as identical.

379. Will you state in what respects this system is injurious to the State? Whenever there is any profit to be made out of the labor of the convicts, the contractors get the advantage; and whenever there are losses, the State is quite likely to be the loser. In some cases, also, claims against contractors are uncollectable; in others, compromises are made at large discounts. The claims of contractors are often unfounded. The prices paid for the labor of convicts are far less than those paid for the same kinds of work outside. There is an active disposition among contractors to keep the prices at the lowest possible rates. The use of shops is also afforded to contractors without extra charge.

380. In what respects do you regard the contract system as injurious to convicts? It is injurious to convicts by keeping them continually at work without giving them any time for improvement. Contractors will not classify convicts according to their physical ability; consequently, their health is often injured by working beyond their ability. There have been cases in which men have been so stimulated to over-work, or required to do so much in performing their own allotted tasks, as to injure their health. In one instance, where eighteen men were employed by a contractor, there were more cases of sickness from over-work, than in other shops where from 100 to 200 men were employed. I think the contract system injurious also to the moral and religious interests of the convicts by depriving them of time for self-improvement, and rendering them indisposed to it by physical exhaustion. Contraband articles are often introduced by contractors' employes, which leads to drunkenness and deception.

381. To what extent have the contraband articles to which you have alluded, been introduced? To a very considerable extent.

382. Does the contract system afford facilities to convicts for communicating with persons outside the prison? It does. They often in this way obtain information of passing political events and general news. Letters from friends outside are often received by convicts surreptitiously.

383. Are the convicts sometimes in possession of considerable sums of money? They are often in possession of large sums of money; and there is reason to believe that they received it from

contractors in payment for over-work. This is in violation of what I understand to be the prison rules, which require that all money paid for over-work should be deposited with the officers of the prison to the credit of the convicts.

384. Is it your opinion that the interest of the contractors and the interest of the prison as a penal and reformatory institution are concurrent or antagonistic? I should say that they were antagonistic.

385. Assuming that, at any particular period, the contractors are upright, honorable men, is there any security that their successors will be of the same character? There is not. It is the aim of the inspectors to exclude bad men, but they do not always know the character of the men.

386. What, on the whole, do you conceive to be the influence of the contract system on the discipline of the Auburn prison? I think it is very injurious. The contractors, owing to their long continuance in the prison, have and exercise over the keepers (whose term of office is usually short) a controlling influence, which is uniformly wielded in their own interest instead of that of the State, or of the convicts. In this way the discipline of the prison is, in effect, controlled by the contractors.

387. What would be likely to be the result, if a keeper were to oppose a contractor, and act on his own independent judgment? It would be likely to result in his removal; yet there are some keepers who maintain their own course of discipline independently of contractors.

388. Is the influence of contractors in our prisons great or small? It is very great.

389. What are the sources of the contractors' influence? In the first place they are legally entitled to the labor of the convicts for the length of time for which the contract runs. In the second place, the length of time that most of the contractors have been connected with the prison gives them more knowledge of its affairs than the officers have, their terms of office being generally of short duration; consequently the contractors become the instructors of the keepers. Again, contractors are often politicians, and hence have power to control removals and appointments.

390. Assuming that the State should carry on the prison labor through the medium of permanent, capable, efficient officers,

would you regard this system as preferable to the contract system? I should, by all means.

391. Does the system of over-work exist in this prison? It has until recently; I am not sure whether it does now.

392. Is there any uniform rule for over-work, or does each contractor make his own rules? Each contractor regulate over-work in his own shop, and the rates allowed vary accordingly.

393. Can convicts who work for the State do over-work? They can not.

394. What effect do such discriminations have upon the feelings of convicts? Those who receive less than others for over-work, are discontented, and ask to be removed from their contracts; while those who receive no over-work are dissatisfied and discontented. The discipline is thus disturbed and impaired, and much trouble arises.

395. At what time of day do the men usually get through with their assigned tasks? Some finish their day's task as early as noon; others at one; while the majority complete it by two o'clock, or a little after.

396. What effect does the system of over-work have upon the health of the convicts? I should say that twenty-five per cent of those who do over-work are more or less injured; some are totally disabled, and become permanent inmates of the hospital and burdens on the State.

397. What disposition do convicts make of their earnings by over-work? A large proportion of the money thus earned is spent in paying persons to secure a pardon. In some cases the convicts make a praiseworthy use of their money.

398. Which would you prefer, the system of over-work, or the allowance to the convict of a percentage of his earnings, making this allowance dependent upon his good conduct, and at the same time fixing the hours of labor? I should strongly prefer the latter course.

STATE PRISON AT AUBURN, *Aug. 25, 1866.*

DR. BUTTON'S *examination was resumed:*

399. What do you regard as the primary object of prison discipline? I think that the great and leading object should be to reform the convicts.

400. What do you think as to the practicability of reforming this class of men? I think that the greater part can be reformed.

and that they all can be improved by a judicious system of treatment and a proper arrangement of the rules and regulations of the prison.

401. Is the reformation of the convicts made the paramount object in the arrangements and discipline of this prison? I should say that, as far as I can perceive, it is not, nor is it the tendency of the system, in point of fact, to produce that result. I will not say that the *intention* of those who framed the system was not to reform the prisoners and send them back to society good men ; but if so, I think their labor has proved a failure.

402. What objects seem to be mainly looked to? The first object seems to be to preserve and perpetuate the political power of the party in possession, and, as a means of so doing, to make all the pecuniary profit possible out of the institution, and in furtherance of the same object, to conciliate and favor the contractors, enabling them to profit as much as possible by their contracts. As secondary and subordinate to this, the object is to promote the good of the convicts.

403. When the political complexion of the board of inspectors changes, what usually takes place? As a rule, all officers are removed as fast as the safety and discipline of the prison will warrant, and new men are appointed in their places. From three to six months usually suffices to complete the work.

404. On what grounds are appointments to office made—that of qualification, or that of party service? I should say solely on the latter consideration.

405. After it becomes known, from the elections in November, that the political character of the Board will be changed when the newly elected incumbent enters upon his office in January next ensuing, what is apt to be the State of things in the prison? All the officers, expecting as a matter of course to be removed, naturally direct their attention to their own personal interests in view of leaving the prison, and consequently have far less interest in maintaining its discipline. The convicts, also, knowing this fact, become more turbulent, multiply acts of insubordination, treat the keepers with insolence, and the discipline, as a consequence, runs down and becomes lax and inefficient. When the new officers are appointed and come into office, they are met by the low state of discipline just described, and being, as a matter of course, inexperienced in the duties of their position, and unacquainted with the convicts placed under their charge, whatever their natural

capacity may be, it takes them a long time to overcome the difficulties in their way, and to restore the discipline to a sound and wholesome state. Many of the convicts are keen, shrewd fellows, and will read a new keeper through and through in an incredibly short time. The bad ones will seek to worry and vex him, and, as he knows none of them, he will often make mistakes and punish, in his ignorance, the best convicts in the prison. Much bad blood and ill feeling are thereby produced, and months will be consumed in thus feeling his way, before matters will assume a healthy tone, and the discipline be brought to a normal state.

406. What sort of men are, for the most part, brought into the prison as officers, through this system of political appointments? I have no doubt that the inspectors desire, as a general rule, to secure the best men possible to fill the positions in their gift; but the class presented to them from whom the selection must be made, are the most unfit for the performance of the service required of any that respectable society affords.

407. Would it not be better, so far as the discipline and general welfare of the prison are concerned, to withhold the power of appointment to the subordinate offices in the prison from the board of inspectors, and place it in the hands of the chief officer, holding him to a strict accountability for its exercise? I am decidedly of the opinion that it would.

408. What, in your judgment, are the proper qualifications of a prison officer? I think that to be a good prison officer a man should possess good natural abilities and common sense, have an irreproachable moral character, a quick perception in reading human character, a thorough mastery of himself, and the natural gift and power to command others, and that he should be humane in feeling, just in administration, and uniform in the treatment of the men placed under his care and government.

409. Are these qualifications, as a general thing, actually possessed by our present prison officers? They are possessed by but a very small proportion of them.

410. Do not insecurity and brevity in the tenure of office repel men of character and competency from seeking position as prison officers? They do beyond all question. Proper men will not apply for office, and when applied to, as they not unfrequently are, they utterly refuse to serve.

411. *If fitness alone were regarded in making appointments.*  
[Assem. No. 38.]



what would be the result? If fitness were made the condition of appointment, if official position were permanent, and the salaries paid were adequate to a respectable and comfortable support, there would, in my opinion, be no difficulty in obtaining suitable men.

412. Have you observed the working of the commutation law? I have.

413. What do you conceive to be its effect? I think its operation is very favorable to the discipline of the prison. It makes convicts much more careful and obedient.

414. Would you think it advisable, in an improved system of prison administration, to make greater use than is now done of the principle of rewards? Such is my opinion.

415. What system of rewards, would you suggest? The system I would recommend, would be mainly that of a classification of convicts according to merit, and certain indulgences and favors granted to those belonging to the several classes, increasing the same as the prisoners advanced from class to class, it being always understood, that they earned their promotion, *bona fide*, by good behavior.

416. Do you think it desirable to give greater prominence to religious instruction and training in our prisons than is now done? I do, most assuredly. I think that the influences of christianity should be diffused throughout the whole administration of a prison, and that all the officers, from the head down, should be religious men, or at least the warm friends of religion.

417. Do you think that greater attention should be given to the education of the prisoners, than is at present the case? I do, most decidedly; I think it indispensable to the reformation of the convict, and the good of society when they are discharged.

418. What, in your judgment, is the proper size of a convict prison? I think the number of prisoners should not exceed 600, and that it would be better to multiply than to enlarge the prisons.

419. Is it wise to wound the self-respect of convicts, beyond the necessities of discipline? I think it unwise to do so.

420. In your opinion, are the distinctive prison dress, and the lock-step, open to objection on this ground? My opinion is that they are, and that they ought to be discarded, except, perhaps, as an instrument of discipline.

STATE PRISON AT AUBURN, *Sept. 1st, 1866.*

Dr. BUTTON *was recalled and further examined.*

421. Do you wish to make any statement to this commission in regard to any matters to which your former examination related? I do. In my former examination, I stated that I was not sure whether over-work had been abolished in this prison. I have since learned that it has been discontinued by order of the prison authorities. It had been generally, though not entirely, disused for a year and a half; it is now entirely abolished.

422. Have you observed any good effects from the general discontinuance of the system, to which you have referred, as having taken place more than a year ago? I have observed such effects.

423. What good effects have you observed? In the first place, the health of the convicts has improved from their not being stimulated to over-exertion, which tends to break down their general health. Secondly, the discipline has been improved, as there is much less dissatisfaction now than formerly. While the practice of over-work continued, there was one shop, particularly, where large sums were paid for it, and where convicts would make from one to three dollars a day. This, of course stimulated them to intense and incessant exertion. At the same time, there were two shops, where over-work was not given by the contractors. In these two shops, great and general dissatisfaction prevailed among the convicts. All sorts of pretexts were, as a consequence, resorted to, such as feigning sickness and the like, to obtain a discharge from those shops, in order that they might, ultimately, be transferred to that shop, in which such large rewards were given for over-work. Convicts in these shops came to me in large numbers, under a pretended inability to labor on account of sickness, in order that they might secure the transfer which they desired. In the shops where these large payments were made for over-work, the convicts for the time being worked well, were obedient to the prison rules, kept away from the hospital, and the discipline seemed to be in a good and healthy state. But after a while, many became exhausted by this incessant toil; they would then, of course, become inmates of the hospital, or require excuses from labor, until they were recruited in health. Thus a great deal of time was lost to the State, and some were so broken down that they were never able to return to the contract at all, but had to be put where the labor was lighter. When the demand for labor ceased, the contractors were unwilling longer to pay for over-work, and consequently all became dissatis-

fied and were unwilling to resume their former amount of labor without extra pay. In this way, the discipline very generally suffered; and many convicts were subjected to punishment. In the same shop, at the present time, without any stimulus from over-work and its rewards, the men are more contented and cheerful, and the discipline is better, so that frequently weeks will elapse without a case of insubordination or punishment, with a much greater number of men employed than formerly.

STATE PRISON AT AUBURN, *Aug. 25, 1866.*

LYMAN L. WILKINSON *was sworn and examined:*

424. Where do you reside? I reside in Auburn, N. Y.

425. What is your business? I am a builder.

426. Have you ever held any position in the Auburn prison? I held the position of keeper for three years, and have been the prison architect for one year. My service as keeper was from 1842 to 1845, and as architect during the year 1864. My acquaintance with the prison has been intimate since my first connection with it as keeper.

427. What do you think should be made the primary object of prison discipline? The reformation of the imprisoned.

428. Is that, in point of fact, made the leading object in Auburn prison? So far as the *intentions* of the officers are concerned, I think that it is in a good degree the object; but it is defeated by frequent changes and the want of the necessary qualifications on their part.

429. What, in your view, is the influence of giving a controlling power to party politics in our prisons? It is baneful to the last degree.

430. In what respects do you think it baneful? Because it involves continual changes in the officers, and every new officer that comes in, has to "serve his apprenticeship," as we used to say, on the "bare backs" of the convicts.

431. On what grounds are appointments made? On political grounds almost wholly; there may be a secondary reference to qualifications.

432. What kind of men does this system of political appointments introduce into our prisons as officers? For the most part, men that have not much else to do—loafers, that lounge about taverns, who have got into debt, and make use of the influence of

their creditors to get into office. I could point to fifty instances of this kind within my own knowledge.

433. What rates of compensation have generally been paid by contractors for convict labor? It has ranged, I think, from 30 to 60 cents per day.

434. How has the price of convict labor compared with that of the same class of labor outside? It has been very far below; not more I should think, than one-third as much.

435. How will the amount of labor done by convicts compare with that done by the same class of workmen outside of the prison? I should think it would be safe to call it seventy-five per cent for the same number of hours.

436. What is your idea of the profits made by contractors? They all make money, and many of them have accumulated fortunes. I know of but one exception to this.

437. Do not the contractors, nevertheless, often come upon the Legislature for large damages on the ground of alleged losses? They do; I will mention one case in illustration: A contractor who was allowed the use of the valuable water power of this prison without charge, and yet paid less for the labor of his men than other contractors who furnished their own power, has gone back on the State for heavy damages, claimed to have been accruing for a long series of years, in consequence of some deficiencies, from time to time, in the supply of water. The damages claimed, if I rightly remember, were some \$200,000; and they were allowed to the amount of \$125,000 certainly, and I think more. This sum was paid by the State, in effect, for the privilege of making a present to the contractor of the use of the prison water power.

438. Is over-work allowed in Auburn prison? It is practised; at least it was when I was an officer there; I do not know that it is allowed by the prison authorities.

439. Who regulates and manages it? The contractors.

440. Do you think its influence, on the whole, favorable or unfavorable? I think it is unfavorable.

441. In what respects? It overtasks the men, and discriminates among them, creating discontent.

442. Is the rule of silence enforced in this prison? It exists, but is not enforced; convicts communicate almost as much as they please.

443. Is there much trafficking in the prison among the convicts? There is a great deal of it; many convicts have money in their

pockets all the time; and there is a great deal of betting on elections.

444. To whom is the money earned by over-work paid? By the rules, it should be paid to the authorities and placed to the credit of the convicts; but it is very often paid directly to the convicts, and this is the way they have so much money.

445. What influence on the discipline and good order of the prison is exerted by the large number of outsiders allowed to enter as foremen and laborers? It is injurious to good discipline, by the constant communication of the current news from outside, and in other ways.

WM. WADE *was sworn and examined :*

446. Where is your residence? I live in Moravia, Cayuga county, N. Y.

447. What is your business? I am an insurance agent.

448. Have you ever been connected with the Auburn State prison? I have.

449. In what capacity and how long? I have been a keeper in the Auburn prison for a period of about ten years. I was first appointed in February, 1845, and my last term of service expired January 7, 1865. A part of the time I served as kitchen and store keeper.

450. During those twenty-one years have you been familiar with the condition, government and discipline of the Auburn prison? I have, to a considerable extent, even during my intervals of office, and while in actual service, intimately so.

451. What do you conceive to be the great object of prison discipline? The reformation of criminals.

452. Do you think criminals generally susceptible to reformatory influences? I do.

453. Is the reformation of the convicts, in your opinion, made the primary object in this prison? I do not think that it is.

454. In what interest, mainly, is the prison, in your judgment, managed? In the interest of politicians and contractors.

455. When the political complexion of the board of inspectors changes, what generally takes place with respect to the removal and appointment of officers? The removal of all officers and the appointment of others in their places usually occurs within a *period of six months; more than half at the first meeting of the board.*

456. On what grounds are appointments made? Political service is the paramount consideration, without excluding, perhaps, altogether that of fitness. Generally, recommendations to office are based on party fidelity.

457. What would you say of the power of contractors as to removal from and appointment to office? They have great influence in regard to the removal of keepers; not so much in respect to appointments, except in the case of residents of this city.

458. What effect has appointment on political grounds in reference to the class of men introduced as officers? Its tendency is to bring in an inferior class of men, as it regards qualifications for the special service in which they are to be engaged.

459. What do you conceive to be the requisite qualifications of a prison officer? A man, to be a good prison officer, should have a good christian and literary education, a genial temperament, a general knowledge of human nature, a power of self-government, and strict moral integrity.

460. Are these qualifications generally possessed by the men brought into our prisons by the method of appointment which you have described? I should say only in a very few instances.

461. Would a better class of men be secured, if officers were made permanent, and fitness alone considered in their appointment? Most certainly; and the interest of the State would thereby be promoted, as well as that of the convicts.

462. Do not uncertainty and brevity in the tenure of official position, in your opinion, tend to repel capable men from becoming applicants? I should say so, decidedly.

463. What do you think would be the proper and effective remedy for this state of things? First, the government of the prison should be removed from the control of party politics. Second, the executive administration of the prisons should be made permanent, by appointing officers for a term of years, to be removed only on grounds of incompetency or malfeasance in office. Third, the contract system should be abolished, and the labor of the prisoners managed by their chief officer.

464. What have been the usual rates of compensation paid by contractors? From 30 to 50 cents per day.

465. How does this compare with prices paid outside of the prison? Not more than one-third as much.

466. How will the labor done by convicts compare, as to *amount*, with that done by persons outside, engaged in the same



occupations? I should say that it is about equal in the summer months; a little less in winter, owing to convicts not being able to labor quite so many hours in the day.

467. Besides getting the labor of convicts at such low rates, do not contractors have a great additional advantage for money making by being furnished with shop room, &c.? Undoubtedly, this is the case; and they have this further advantage, that their men are always there, which I consider a very great one.

468. Are the profits made by contractors, in your opinion, large? I know it to be so in many instances; many of them have made fortunes in this way.

469. When contractors have suffered, or claimed to have suffered, losses through their contracts, have they usually applied for relief to the Legislature or the inspectors, and been successful in their applications? There have been cases in which contractors, without losing money, have, on frivolous grounds, made large claims for damages, and have succeeded in obtaining the money claimed, or a large proportion of it, when such claims would never have been obtained, or even made, as between man and man.

470. Are not exorbitant damages sometimes claimed and allowed for the loss of convicts' time, when they are sick or under discipline? Yes; this is so. For example: A convict, for whose labor the contractor is paying (say) 40 cents a day, and who is earning for him two dollars a day or more, is absent for a time, by reason of punishment in the dark cell; for this loss of time, the contractor claims damages, not at the rate at which he is paying for the convict's time, but at the rate of his actual earnings. Cases of the following kind sometimes occur: A contractor has engaged to make a certain machine against a certain time, for some person; but in consequence of the absence for a time, on account of punishment, of several convicts, he fails to come up to his engagement; on such occasions, it is usual for the contractor to claim damages to the full amount of the profits he would make on the machine, which claims are generally allowed and paid.

471. Do contractors ever stimulate convicts by rewards to do an extraordinary day's work, and afterwards insist on making such the standard for an ordinary day's labor? Some contractors have done this.

472. Do contractors ever stimulate convicts to over-work, till they become broken down and have to serve out the rest of their

sentences as invalids, at a loss and expense to the State? This is sometimes done, but I think not generally.

473. Are convicts sometimes required to labor for contractors during the night and on Sunday? They are sometimes required to do so, though I think they have done it voluntarily, in consideration of the reward given them.

474. Do contractors ever contrive to have able-bodied men placed on the invalid list, so that while the latter do full work, the former pay but half price for it? This has been done in many cases.

475. Are there other ways in which they manage to get full labor on partial pay? Yes; for example, a man will be unable to do hard work, and the contractor will get his pay reduced (say) one-half; the man will then be put on some other part of the contract, where he can do just as much work as an able-bodied hand. I have known instances also where a convict would be excused by the doctor from labor for the day, and yet the contractor would set him to work, and get his labor without any compensation whatever to the State.

476. How many outsiders have the contractors at Auburn usually had employed within the prison precincts, and in what capacities? I should think some twenty-five as foremen, and fifty as hired help.

477. What, in general, is the character of these persons? My impression is that the foremen are generally pretty fair men; but the laborers are, I should say, for the most part, of quite a different character.

478. Are these employes permitted to mingle freely with the prisoners? They are, but are forbidden by the rules from talking with them on general subjects.

479. Is this rule observed? No; it is constantly violated.

480. Do contractors or their employes ever use profane or abusive language to convicts? They do in some instances.

481. Do they ever come into the prison precincts under the influence of liquor? I have known instances in which the employes have done so.

482. What effect has the introduction of so many persons from outside upon the discipline of the prison? It is bad every way. I should say that by far the greater part of the insubordination and punishment in the prison arises from just this cause. Complaints to the keepers and threats to the convicts, on the part of

contractors and foremen, are the cause of nearly all the irritation and ill feeling engendered among the prisoners.

483. Are contraband articles ever introduced into the prison by these outside parties? They are; such as whisky, tobacco, provisions of various kinds, &c. Some of these are largely introduced, and also no small amount of yellow covered literature. These articles are, I think, usually sold at an advance of not less than 400 per cent on what the same could be obtained for outside.

484. As far as you know and believe, is bribery, direct or indirect, ever employed on keepers to induce them to wield the discipline of the prison, or to perform other acts in the interest of the contractors? Yes, that is so. For instance, where the State receives fifty cents per day for a convict's labor, and his labor is worth one dollar to the contractor, if he does a half day's work over his assigned task, earning for the contractor a dollar and a half, and receiving for himself twenty-five cents for his extra work, the difference between seventy-five cents and one dollar and fifty cents, will be divided equally between the contractor and the keeper. A keeper has stated to me that he received more from the contractors than he did from the State in the shape of salary. Keepers also very often receive favors from contractors in the form of presents, loans of money, &c., &c.

485. What do you say of the power of contractors in our prisons? The power of contractors is predominating; it destroys the independence of the keepers, and is a constant source of irritation among the convicts.

486. Do contractors and their agents ever interfere with the discipline, by attempting either to get men punished unjustly, or by interceding to get them off from just punishment, that they may not be interrupted in their work? Yes, both these things often happen. A foreman once reported a man to me for punishment, and on my hesitating to comply, he said that he never reported a man for punishment to the former keeper of the shop without his being punished. I do not remember whether the man deserved punishment or not, but in consequence of this impertinence of the foreman, I refused to accede to his wish.

487. Is the interest of the contractors, in your opinion, consistent with or antagonistic to the interest of the prison as a penal and reformatory institution? I should say unhesitatingly that the *two interests* are directly opposed to each other, and I think that *no man* who has had opportunity of observing could hold any

other view. The system of letting the labor of the convicts on contract is antagonistic to the industrial interests of the prison, because it puts the profits of their labor into the pocket of the contractor instead of the treasury of the State. It is antagonistic to the moral, religious and educational interests of the prisoners, because it claims and uses their whole time, except when they are locked in their cells and Sabbath days. It tends also to make them sordid and grovelling in their feelings, by causing them, from what they observe around them, to think that making money is the great business and object of life.

488. Is it your opinion, in view of all you have stated, that the contract system ought to be retained in our prisons or abolished? Abolished beyond all doubt.

489. What is over-work? It is a certain amount of labor done by the convict beyond his required task, for which he receives some remuneration.

490. Does over-work exist in Auburn prison? It does, or at least did when I was there.

491. With whom does the regulation of over-work rest? With the contractors mainly. A contractor can allow over-work or not, at his discretion. In case he allows it, it rests with him also to say how many and who of the men in his employ shall be permitted to do it.

492. Do all contractors allow over-work to be done in their shops, or are there some who decline to do so? Some do not permit it, in which case they require their men to work from bell to bell. Those who do allow it, permit only certain men to do it.

493. Is not this a new source of irritation and discontent, and so a disturbing element in the discipline? It is so to a very great extent. Contractors will sometimes prohibit men from doing over-work as a means of punishing them. They thus assume to exercise, and do, in fact, exercise discipline within the prison.

494. On what principle is the pay for over-work fixed, and who fixes it? The contractors fix it, and the rule in Auburn prison, as far as I know, is to make an allowance for it the same, *pro rata*, as that paid to the State.

495. Is there any rule as to whom the money earned by over-work shall be paid to, and if so what is it? There is a rule requiring it to be paid to the keeper or clerk; but the rule is constantly evaded, and the money paid directly to the convict, with

which he often buys the contraband articles referred to in a former answer.

496. Are not the discriminations to which you have referred, a source of dissatisfaction among the convicts? They are, and in various ways. For instance: the men in a shop where over-work is not allowed, hear that in a certain other shop it is permitted; they instantly become uneasy, and begin to invent various devices to get themselves transferred. Again, in a shop where over-work is permitted, a man who has not the ability to do more than his required task, works honestly and faithfully all day; while he gets nothing for his fidelity, he sees a comrade earning ten, twenty or thirty cents a day; the effect is to sour his mind and make him sullen and morose. This state of mind naturally leads men to commit acts that bring down punishment upon them, and so the discipline is disturbed, and its severity needlessly increased.

497. Are convicts who work on State account, ever allowed to do over work? They are not.

498. Are any other privileges granted them in lieu of it? I don't know of any.

499. Is this productive of any evil effects? It engenders discontent, and makes them unwilling to work for State account, and anxious to get upon contracts.

500. What proportion of convicts on contract do over work? I cannot answer exactly, but judge that not more than one-fifth do it.

501. At what time in the day do those that have tasks assigned them usually complete the same? From one to four P. M.

502. As at present managed, do you think the system of over-work is beneficial or injurious to the best interests of the convicts? I have no hesitation in expressing the opinion that it is injurious.

503. Is it your opinion that it is better to assign tasks or to require the convicts to work from bell to bell, and in lieu of over work have a portion of their earnings set aside to their use as an encouragement to good conduct and industry? I think it would be better to require them to work all day, and hold out various inducements to obedience and cheerful industry, among which might be gratuities in money.

504. What have you observed to be the influence of the commutation law on convicts? Decidedly favorable, as far as I had opportunity of observing before leaving the prison.

505. What proportion of the convicts earn commutation? I should think as many as seven-eighths.

506. Is time once earned often forfeited? Not often.

507. In your opinion, would it be well to make greater use than is now done, of the principle of rewards in the administration and discipline of our prisons? I would rely more upon rewards than punishments, as a means of discipline and reformation.

508. What system of rewards would you recommend? I would, in the first place, allow convicts to earn a diminution of sentence, as at present; secondly, I would establish a classification in the prison, according to merit, allowing various privileges as to food, clothing, lodgings, &c.; and thirdly certain gratuities in money to be paid on their discharge; but I would not attach so much importance to this last, nor make it so prominent as the others.

509. What proportion of convicts never learned a trade before their imprisonment? Not more I should think, than one-fourth.

510. Do you think that convicts should be taught a trade while in prison? My opinion is that at least all young men should be taught a complete trade during their incarceration.

511. Do you think that this is of sufficient importance to warrant and require that the arrangement of the industries of the prison should be made with a distinct reference to that end? I do.

MONROE COUNTY PENITENTIARY, ROCHESTER, }  
MONROE Co., NEW YORK, *Aug. 30, 1866.* }

LEVI S. FULTON *was sworn and examined:*

512. Where do you reside? In Brighton, Monroe Co., N. Y.

513. What is your present business? I am superintendent of the Monroe Co. penitentiary.

514. How long have you held this position? It will be five years next October.

515. How many persons preceded you in this office? Only one; Mr. Brockway, now of the Detroit House of Correction.

516. When was this institution opened for the reception of inmates? It went into operation in 1854.

517. For how long a period are superintendents chosen? For three years.

518. By what power are they appointed? By the board of supervisors of Monroe county, composed, I think, of 33 members.

519. Is this board a political body? It is.

520. Have political considerations heretofore controlled the appointments to this office? They have not. Politics has had



nothing to do with them whatever. My predecessor, who was of different politics from a majority of the board, was three times appointed to the office, and would no doubt have continued in office to this day, if he had not voluntarily retired. I have been twice appointed, though differing from the board in my political views. Efforts have often been made to induce the board to appoint a superintendent on political grounds, but they have steadfastly resisted such influences.

521. Is there any authority which comes in between the supervisors and the prison officers? There is a board of four inspectors, one from each Assembly district and one at large, who are appointed by the supervisors, one every year, and holding their office four years.

522. What are the powers and duties of the inspectors? They must visit the penitentiary jointly four times a year, and each one monthly, and supervise its financial and general affairs. They appoint the chaplain and physician. They report annually to the board of supervisors.

523. With whom is the appointment of the subordinate officers lodged? With the superintendent, subject to the approval of the inspectors. Practically the superintendent is the appointing power, as his nominations are uniformly confirmed.

524. Are these officers appointed for any specific period? They are not, but are continued in office as long as they discharge their duties faithfully.

525. Do partisan politics have anything to do with the appointment of the under officers? Not the least; I never ask an applicant what his politics are, and I know nothing, officially, as to how any one votes.

526. Do the subordinate officers discharge their duties to your satisfaction? Generally they do; when they fail, they are promptly dismissed.

527. Party politics, then, forms no element in the government and administration of the prison? None whatever.

528. What, in your opinion, would be the effect of making politics the controlling power here? I think the prison would run down, the discipline go to pieces and the finances fall into disorder and ruin; and, in general, I think it would be disastrous to the best interests of the institution.

529. Have you any prisoners confined here for State prison offences? Yes; such males between the ages of 16 and 21, in the

7th judicial district, as the courts may, in their discretion, send here; and all females in the same district, not convicted of murder, manslaughter or arson.

530. How many of this class of prisoners have you? Ten males and four females.

531. Of the other prisoners, how do the sentences generally run in point of length? A moderate number are sentenced for less than 60 days, about three-fourths from 60 to 90 days, and the remainder for periods exceeding 90 days.

532. Do you have many of that class of prisoners known as "revolvers," who are constantly coming back after their discharge? Yes, a considerable number—those sent up for drunkenness and disorderly conduct.

533. Is there much chance for reformation in the case of short-term prisoners? I don't think there is. Occasionally a short-term prisoner is reformed; but, as a general thing, reformatory influences have little opportunity to take effect on those sent up here for brief periods.

534. What is your opinion as to the propriety of giving longer sentences to those who, by continually repeating offences of a minor grade, evince a proclivity to crime? I should favor giving to such persons longer sentences; I think that reformation would be far more likely to result from their imprisonment.

535. Do you consider reformation the leading object of prison discipline? I do.

536. Is it your opinion that, under a judicious system of treatment in prison, and with the use of proper reformatory agencies, supposing the sentences to be of sufficient length, the greater part of the inmates of our prisons could be reformed? I think that the majority of that class of prisoners we are in the habit of receiving—I mean those who are comparatively young in crime—under an effective prison discipline and proper co-operation on the part of the public, might be reformed.

537. Do you find an unwillingness on the part of the community to employ persons who have been in the penitentiary? I do, a decided unwillingness; and even where persons give employment to our discharged prisoners, they do not treat them as they do other employees.

538. On what principle is the labor of the prisoners conducted? Partly on the contract system, and partly on account of the county; about two-thirds of it on the first of these principles.

539. On what terms is the labor let? Those who are employed in the manufacture of boots and shoes are hired out at 40 cents per day, the contractors furnishing their own instructors, paying the salaries of overseers, and supplying stoves and fuel for the shops, and the county furnishing shop room and boarding the overseers. There is a considerable number of females engaged on contract work, seating chairs with flag and cane, for which they are paid by the piece, and earn from 25 to 30 cents a day.

540. How many are employed on account of the county, at what kinds of work, and with what pecuniary results? There are men employed in making barrels; they have earned  $60\frac{3}{4}$  cents per man a day; their earnings this year will be somewhat less than that; possibly not much, if any, over 40 cents a day; but the men employed in the cooper shop are much inferior, physically, to those employed in the shoe shop; they are men that cannot be let on the shoe contract at all.

541. Have you reason to think that the contractors who employ the men at boot and shoe making realize large profits from the labor of the convicts? It is my opinion that they do; I think that at present they must clear not less than a dollar a day for each man.

542. Do you not think that the county would be a gainer, pecuniarily, by working all the prisoners on its own account? I do, certainly; though of course it would require an increase of capital to do so.

543. With a sufficient amount of capital and the labor skillfully applied, what revenue do you think might be realized to the county with the present number of prisoners? I should think nearly or quite double the present revenue.

544. What amount of capital do you think would be required to work the prisoners on account of the county? I should think some \$20,000.

545. If the entire labor of the prisoners were directed by the prison authorities, would it not be practicable so to arrange and conduct the discipline of the prison as to give greater prominence and efficiency to reformatory measures and agencies? I think it would.

546. In what ways? First, by devoting some portion of the day to the education of the younger and more hopeful class of convicts; and second, by making it a more direct object to impart

the complete knowledge of a trade to those who had never learned one before.

547. Do you think it an object of importance to impart such knowledge to prisoners? I do.

548. Why do you think it important? Not more than one in ten, on the average, I think, ever learned a trade before their incarceration; and I consider this want of a trade a great occasion of their being led into the commission of crime. If they learn a trade while in prison, it is a great safeguard against falling again when they get out. I am led to this belief by what I have myself seen in the case of our own prisoners, many of whom, in consequence of what they learned of shoe-making during their imprisonment, have been able to obtain lucrative employment at that business on their liberation.

549. Would you, then, think it best, on the whole to abandon the contract system and have the officers direct the prison labor on behalf of the county? As far as I am personally concerned, it would be for my own ease and comfort to have things go on, in this respect, as at present; but I am of the opinion that a change of the system in the direction indicated would be to the advantage of the county in a financial point of view, and to the advantage of the prisoners morally and intellectually.

550. Is over-work allowed in your prison? It is not.

551. What would you say to having it introduced? I would not on any account be willing to have it introduced.

552. Why not? I think it would have a very injurious effect both upon the discipline of the prison and the health of the prisoners.

AUBURN PRISON, August 31, 1866.

ELI GALLUP *was sworn and examined:*

553. Where do you reside? In Auburn, N. Y.

554. What is your business? I am a carpenter and joiner.

555. Have you ever been connected with this prison? I have.

556. In what capacity and how long? I was keeper, at different times, some five or six years. My last term expired in January, 1865. I was principal keeper during the year 1864.

557. Have you been familiar with the prison and its affairs? I have, during the most of my life; I knew the prison as long ago as the time of Elam Lynds.

558. What influence, under our present constitution, does party politics have on the government of this and other State prisons? Party politics is the controlling power.

559. Do you think that this fact is favorable or unfavorable to the interests and discipline of the prisons? I think it decidedly unfavorable. I don't think the prisons are as well managed now as under the old system, when each one was governed by a local board appointed by the governor.

560. When the political character of the board of inspectors is changed, what usually happens? There is generally a clean sweep in the offices; the old officers are turned out, and new ones appointed as fast as it is safe to do so. This is done usually in three or four months; not to exceed three months, as a general thing.

561. How does this affect the discipline of the prison? I think it has a very unfavorable influence upon the convicts.

562. In what respect? There are many very intelligent, shrewd men among the prisoners; and as soon as a new keeper comes in, they study his character with much acuteness and discrimination; and if there are any weak points in him, they are sure to discover them, and they seek in various ways to obtain an influence over him, so as to control him to their own advantage.

563. Do they often succeed in these efforts? They do, to such an extent that the officers dare not do their duty.

564. In what way do they gain this influence? By playing upon the weaknesses of the keepers, by making presents to them of articles which are stolen from the contractors or the prison, by trafficking with them, and in a variety of other ways.

565. Is there a good deal of trafficking between keepers and prisoners? There is a great deal of it; at least, there has been, when I have been connected with the prison.

566. Where do the convicts get money for this? I think they get it through the contract system, and by over-work being allowed.

567. On what grounds are appointments to office made in our prisons? On political grounds solely; qualification has little or nothing to do with it.

568. What sort of men do these political appointments introduce into the prisons as officers? A very inferior class—many of *them* of a low grade of morals, lower indeed than that of the convicts; men utterly incompetent to discharge the duties required of

them. During the year I served as principal keeper, I had occasion frequently to complain to the inspectors that proper discipline could not be maintained in the prison through such keepers as they placed there.

569. What rate of compensation was paid for convict labor when you were connected with the prison? About fifty-five cents a day, on an average.

570. How did this compare with the rates paid for the same kinds of labor outside of the prison? It was about one-third of the wages paid outside to laboring men.

571. Is it your opinion that contractors have generally made large profits out of the labor of the prisoners? Some have, and some have not.

572. Might not a competent business man at the head of the prison, holding his position permanently, in your opinion, manage the industries of the prison, as well as its government, so as to secure these profits to the State, rather than to contractors? I think he could.

573. Have you known of contractors at Auburn failing in business, and if so, what, in your opinion, have been the causes of such failure? I do not recollect of any failures.

574. When money is lost by contractors, if it ever is, is it their habit to suspend payment, and apply to the legislature for relief, and have they generally succeeded in such applications? I have known such instances.

575. In suits in which contractors have been parties, has not the State always been unsuccessful? Always, as far as my knowledge goes.

576. To what extent, and in what capacities do contractors introduce citizens into the prison to mingle among the prisoners? They introduce foremen and helpers to a large extent.

577. What is generally the character of these outsiders? In my last experience, some good and some not good.

578. Do they ever serve as a medium of communication between the prisoners and the outside world? They often do.

579. Do they ever introduce contraband articles into the prison, and if so, what? They carry prisoners' letters in and out, and all other things.

580. Do they use these articles to traffic with the prisoners, and if yes, at what prices do they sell them? They do; but I could not say at what prices they sell them.



581. Do contractors and their agents ever use profane or abusive language to the convicts? I have known them to do so.

582. Do they ever enter the prison precincts under the influence of liquor? I cannot say as to that.

583. How does the presence of these persons in the prison affect the discipline? It has a bad effect.

584. Do contractors and their agents ever use bribery, direct or indirect, on keepers to induce them to wield the discipline of the prison to their advantage, or in any way to promote their interests? I cannot say.

585. Are contractors a power in the prison? They are.

586. In what way do they make their power felt? In different ways; in appointments and dismissals, and in obtaining privileges to which they are not entitled.

587. Is the interest of the contractors consistent with, or opposed, to the interest of the prison as a penal and reformatory institution? The contractors work for their own interest, not for the reformation of the prisoners.

588. Is it your opinion that the contract system should be abolished in our prisons? It is.

589. Was over-work allowed when you were connected with Auburn prison? It was allowed.

590. With whom did the regulation of over-work rest—the prison authorities or the contractors? With the contractors.

591. By whom was the price paid for over-work fixed? By contractors and convicts.

592. To whom was the money earned by over-work paid? The rule was, that it should be paid to the agent, but this was not complied with in all cases.

593. Was there any security that the moneys so earned would be actually paid to the persons to whom they were due? Always, when known to the officers.

594. Have you ever known of complaints by convicts, that they have been defrauded of their just dues? Not while I was there.

595. Did all the contractors allow their men to do over-work? No.

596. Did those who allowed over-work permit all their men to do it? They did not.

597. What effect did the denial of over-work have upon those convicts to whom it was refused? A bad effect; by allowing it to the most active, a larger day's work was fixed upon for all, whereby some were unduly stimulated and others discouraged.

598. What proportion of convicts on contracts did over-work?  
A very small proportion.

599. At what time in the day did the men usually get through their tasks? Some finished them by noon; others at two, three and four o'clock.

600. Is it better, in your opinion, that convicts should have tasks assigned them, or that they should work from bell to bell? In the hands of competent officers, it is better to work from bell to bell. It gave less trouble when such was the practice.

601. Do you think that prisoners ever injure their health by over-work? I think they do.

602. Do convicts spend a considerable portion of their earnings by over-work on small lawyers, to get them to exert their powers in seeking pardons for them? They do.

603. On the whole, is over-work, in your opinion, favorable or unfavorable to the best interests of the prison and the prisoners? I think it is unfavorable.

604. How far is the rule of silence enforced in the Auburn prison? Not to a very large extent.

STATE PRISON AT AUBURN, *September 1, 1866.*

JOHN S. LANEHART *was sworn and examined:*

605. Where do you reside? In Auburn, New York.

606. What is your business? I am county clerk.

607. Have you been connected with the Auburn State prison? I was clerk in the Auburn prison from May 1, 1859, to July 1, 1863.

608. How much influence has party politics in this and the other State prisons of New York? It has a controlling influence in the appointment of officers.

609. What usually takes place whenever the political character of the board of inspectors is changed? It is usual for the successful party to remove all the officers (or nearly so) of the opposite party, and to fill their places with new men of their own political creed.

610. Is fitness looked to in making these appointments, or party services? I think the aim of inspectors is, as far as possible, to secure good men; but officers are appointed on party recommendations.

611. What system of appointments would you prefer to the one *at present in vogue*? I would have a prison bureau established

at Albany and a superintendent appointed, who should have a general oversight of all the prisons, and whose whole time should be devoted to that work. I would have the warden, clerk, chaplain and physician appointed by the Governor and Senate, to hold their office during good behaviour. The warden should be held strictly responsible for the financial management and for the police of the prison, and to this end he should have the power of appointing all his subordinate officers, who should hold their offices during good behaviour.

612. Did the system of over-work exist in the prison during your connection with it? It did.

613. From your observation of its operation, would you be in favor of the system? I would not; I should be opposed to it.

614. On what grounds do you base your opposition? First, I consider it detrimental to the discipline of the prison; secondly, I think it injurious to the health of the prisoners; and, thirdly, it tends to produce dissatisfaction in the minds of the convicts.

615. About what proportion of the prisoners on contract do you think were allowed to do over-work? Not more than one-fourth.

CHARLES E. VAN ANDEN, M. D., *was sworn and examined:*

616. Where do you reside? In Auburn, N. Y.

617. What is your present occupation? I am superintendent of the State Asylum for Insane Convicts.

618. Have you ever been connected with the Auburn State prison? I was physician of the Auburn prison for a period extending a little over four years, dating back as far as the spring of 1855.

619. Have you been familiar with the prison since your term of office expired? I have, in a general way.

620. Have you observed the effect of making party politics a prominent element in the management of our prisons? I could not fail to observe it.

621. Is it, in your opinion, favorable or unfavorable to the best interests of the prison? I should say it is, without doubt, unfavorable.

622. When the political character of the board of inspectors is changed, what usually takes place with regard to appointments and removals? When there is a full board of the same political creed, they have usually placed the government of the prison *entirely* in the hands of their own political friends.

623. On what grounds are appointments to office in the prison

mainly made? I think mainly on political grounds. Men have been often appointed to office whom the Inspectors had never seen.

624. Does not this system of appointing men to office on political grounds tend to introduce, and does it not, in point of fact, introduce, into the prison, as officers, men of inferior qualifications? I think in very many cases it does so.

625. If fitness alone were regarded, would not a class of men be obtained far superior to the generality of those now in office? There would, undoubtedly.

626. Was over-work done in the prison during your connection with it? It was.

627. From what you have seen of its effects, would you be favorable to such a practice? I should not be favorable to the system of over-work, as I have known it in prison.

628. What evils do you think, judging from your own observation, are connected with it? It often stimulates the men to excessive toil, so that in many cases their health is injured. Again, it tends to discourage and dishearten those who are not able to do more than an ordinary day's work. In the third place, its tendency is to produce duplicity and imposition on the part of the convicts. For instance, a convict may pretend that he is not able to do a full day's work, in order to be rated as a half pay man, and then having succeeded in his deception, without the knowledge of the officer, he does over-work for the contractor, thus fraudulently, and to the injury of the State, making money for himself.

ALBANY PENITENTIARY, *August 7, 1866.*

AMOS PILSBURY *was sworn and examined:*

629. Where do you reside? In Albany, N. Y.

630. What is your business? I am superintendent of the Albany penitentiary.

631. How long have you held that position? I have held it during the entire existence of the institution, with the exception of a short period, when I was superintendent of Ward's Island, in New York city, during which time my son was superintendent here, and I still kept up a general oversight. The building here was commenced in 1845, under my superintendence as agent of the building committee, and a few prisoners were received the following year; but the institution was not regularly organized as a penitentiary till 1848.

632. How long have you been connected with the management

of prisons in this country? Since 1825, with two brief vacations, each less than a year. I began with my father, who was warden of the New Hampshire State prison, first as a watchman and afterwards as deputy warden. Here I continued two years, when I went to the Connecticut State prison, at Wethersfield, serving for two and a half years as deputy warden, my father being warden, at the expiration of which time I succeeded him in the wardenship. I served about fifteen years as warden (an interval of nine months occurring during that time), when I accepted an invitation to my present position.

633. Has party politics ever had anything to do with the control and management of this penitentiary? None whatever. I declined from the very first to accept the position offered me, unless politics should be entirely excluded from any and all influence over the government of the institution.

634. Who constitutes the supreme governing power of the penitentiary? The mayor and recorder of the city of Albany, and the board of supervisors of Albany county, in joint meeting.

635. Is there any intermediate authority between the supreme power just named and the officers of the prison? There is a board of three inspectors, who are appointed by the mayor, recorder and supervisors, one each year, to serve for three years; two of whom must be from the city, and one from the country.

636. By whom are the officers of the prison appointed? The superintendent and inspectors are appointed by the joint board before explained; the physician and chaplain by the inspectors; and all the subordinate officers by the superintendent, holding their positions solely at his pleasure.

637. Beyond what has already been stated, what are the functions of the board of inspectors? They visit, as a board, the penitentiary every three months, and examine and audit the accounts of the superintendent, and look into the general condition and management of the institution. Individually they visit the prison at their pleasure—sometimes weekly—sometimes monthly—in general, I may say, not as often as I would like to have them.

638. For how long a period does the superintendent hold his appointment? For three years. I have myself been appointed seven times.

639. What has been the political complexion of the appointing board? The majority of the appointing board has been about

half the time of one political party, and the other half of the other; but my appointment has always been unanimous. I mention this fact to show that partizan politics, as before stated, has had nothing to do with the government of the institution, and I attribute the success of the prison in great measure to this circumstance. I must also state that I have been greatly aided in my labors by the public press of the city, without distinction of party.

640. Are the other officers of the prison appointed for a term of years, or during good behavior? They are all appointed and hold their offices during good behavior. I never inquire into the party creed of any one who applies for a position in the prison, and of course I never remove an officer on any such ground. I know nothing of politics in the administration of the prison. There are officers now with me who have served eight, ten and twelve years, and I always retain a good officer just as long as he is willing to stay. Without being a politician, I have my own political views, hold them firmly, and act upon them conscientiously, in the sphere to which they belong; but, as a prison officer, I utterly ignore the whole thing.

641. You are considerably acquainted with the government and management of the State prisons of New York? I am, and have been for the last twenty-five or thirty years.

642. How much influence do you regard politics as having in their administration? I regard it as the dominant and controlling power.

643. What do you conceive to be the effect of such a state of things on the discipline, prosperity and best interests of these institutions? Baleful to the last degree. I think that the conversion of the State prisons into a part of the political machinery of the State, as is in effect done by our present constitution, is detrimental to their industrial and moral welfare, and that they are not as well managed, so far as the interests both of the State and the prisoners are concerned, as they were under the old system, when each prison had its own local board of inspectors, appointed by the Governor and Senate. My opinion on this whole subject has been fully expressed in a communication to the Executive of the State, Governor Morgan, under date of March 13, 1852, which I herewith submit as my sworn statement of the same, in the words following, to wit: "The discipline at Auburn, in some respects, is better than at Sing Sing, but still it is not so rigid nor so good as it was twenty-five years ago. The Auburn prison ought to be



the model for the whole country. With its extensive yard, surrounded by high stone walls, its costly, well arranged buildings for every use, its admirable dining hall, hospital, chapel and workshops, and with every facility for easy and correct supervision, there ought to be no reason for defective discipline; but I do not believe there will ever be much improvement in the management of our prisons, while the Inspectors are elected (as they now are under the Constitution of the State), and so long as party politics controls and governs their operations. From my own experience, and from all that I have gathered of the experience of those who have made prison discipline and the management of prisons and prisoners the study of their lives, I think it may be set down as an established truth, that politics and prisons are incompatible with each other. Whether it regards pecuniary results, or the moral training and reformation of the culprit, the bestowment of office as a prison keeper or director, on mere political or party considerations, will always end in disappointment and unsucccess. There is an 'eternal fitness' in all things, and successful men in the ordinary avocations of private life act entirely upon that principle. Were they to do otherwise, they could not succeed in their aims. For the right management of our prisons, both as regards the public and the convict, their direction must be entrusted to those who have aptitude and capacity for that peculiar position, independent of their political bearings or opinions. If prisons are ever to become reformatory and self-sustaining, their whole management and direction must be kept out of the arena of politics. As it now is, where the office of State prison Inspector is elective, and merged into the general political questions and machinery of the day, the people may once in a great while *happen to stumble* upon 'the right man for the right place,' but it is much like a lottery, in which the blanks immeasurably predominate."

644. Upon what principle is the labor of this prison conducted? Principally on contract.

645. At what rates of compensation? The rates vary according to the length of sentence; from twenty-five to fifty cents per day.

646. Do your prisoners all draw their *per diem* from the first day they are put upon work? They do, without exception, and always have with me, everywhere.

647. What is your opinion, from your experience and observation, of the operation and effect of the contract system? I think *it depends* in a considerable degree on the manner in which the

system is administered. Where complete control is maintained by the prison authorities, the contractors and all their employes being subject to rigid restrictions, I do not know that it is particularly unfavorable; in such case, the principal drawback is that the head of the prison cannot always act quite as freely in placing the men, as he might and would oftentimes like to do, under other circumstances. But unless the most strict and absolute control is maintained over the system, I believe that its influence must be detrimental to the discipline and best interest of any penal institution; and this must be particularly the case, where contractors obtain such influence as to possess in effect the controlling power in its management. Here, I am not aware that any contractor has ever interfered, or attempted to interfere, with the discipline and management of the prison, or with the appointment or removal of the officers.

648. What means do you take to prevent an improper outside influence from being exercised on the prison through the employes of contractors? I inquire as carefully into the character of these persons, prior to their admission, as I do into that of applicants for office in the prison; and I allow none to be introduced, of whose fitness, in all respects, I am not entirely satisfied.

649. While you were at the head of the Connecticut State prison, on what principle was the labor of convicts conducted? A portion of the time I managed it entirely, purchasing the raw material and disposing of the manufactured articles; and another portion of the time the labor of a part of the convicts (say about one-half) was let to contractors at so much per day.

650. Which system was found, financially, most successful? In a financial point of view, the management of the labor by myself was most successful. During my connection with the prison, profits to the amount of about \$100,000 were realized, over and above all expenses, with an average of about two hundred prisoners. The reason that prompted me to introduce the contract system, in part, was that, being freed from so many business cares, I might have more time to devote to the discipline of the prison and to the care and improvement of the convicts. I always, however, kept complete control of the prison, never allowing contractors to obtain anything like a power of control, or even so much influence as to be a disturbing element in the discipline. My reason for the introduction of the contract system into this prison is the same as for its adoption in the Wethersfield prison.

I have no doubt that more money might be made by managing the prison labor myself.

651. During your administration of the Connecticut State prison, was over-work, or over-stent, as it is sometimes called, in use in that institution? Yes, over-stent was introduced at the same time with the contract system; and the design of it was that the men might have some little capital to start with on their discharge.

652. Was it found to work well and produce good results there? For a time, the effect seemed to be good; but in the end, it proved not only demoralizing, but disastrous to the discipline.

653. Will you state how and under what circumstances this occurred? I was at one time displaced from the wardenship of the prison on party grounds, as I conceived. In the course of a few months—seven or eight, I think—the discipline had run down to such a degree that the convicts were on the very verge of open revolt and rebellion. At this point, I was recalled to the wardenship of the prison. I found the prison as stated a moment ago; and over-stent had done the business. The money earned was either paid to the convicts or expended for them by the officers or contractors, as soon as it was earned, and they bought, openly or surreptitiously, whatever they liked with it. In the end, no work could be got out of them, except as the price of these improper indulgences. The convicts were literally “masters of the situation.” Over-stent was abolished, and months were consumed before the discipline could be brought back to a normal state.

654. Upon the whole, how do you regard the admission of over-stent into the labor system of a penal institution—favorably or unfavorably? From what I have seen of its effects, I certainly would not favor it. Some good may result from it in isolated cases; but I look upon it as a system too partial and too liable to abuse to be of real and permanent value. It must, I think, in the long run, impair and demoralize the discipline of any prison into which it is admitted.

655. What is your opinion of the use of the yoke, or crucifix, and the buck, as instruments of punishment? I disapprove of them entirely. I think them cruel and degrading, more so than any of the punishments for which they have been substituted. I never have employed them, and never shall.

656. During your forty years' administration of penal institutions, how many prisoners have you ever lost by escapes? Not one from the prison proper; and none, I think, in any way, from

the Weathersfield prison. A few short-sentence men have escaped here, who have been employed in work on the premises outside of the prison.

657. Have any of your prisoners, to the best of you knowledge and belief, ever been injured by any punishment received, while inmates of either of the prisons over which you have presided? Never.

NEW YORK, *Sept.* 19, 1866.

DAVID L. SEYMOUR *was sworn and examined :*

658. Where do you reside? At Peekskill, N. Y.

659. What is your business? I am a machinist and iron founder.

660. Have you ever had any connection with our prisons, and if so, what? I was connected with the Sing Sing prison as its chief officer, receiving my appointment, in 1840, from Gov. Seward, and continued in service three years. I was first appointed under the title of agent and warden, but the two departments were soon afterwards separated, and I served thenceforward as agent, and another person as warden, an officer corresponding to the one now known as principal keeper.

661. Who preceded you as head of the prison? Robert Wiltse.

662. On your entrance into office, what did you find to have been the system of discipline previously pursued, and then in vogue? I found the system then and previously practised in the Sing Sing prison, one of great sternness and severity; punishments were frequent and cruel, and were inflicted by under-keepers at their discretion, often in the shops and in the presence of other prisoners. The cat was in constant use, and keepers did not confine themselves to that, but would, without hesitation, if they felt themselves insulted, knock a man down with a club, hammer, or any other weapon that came to hand. Prisoners were not allowed to speak to officers, and the whole system was cold, repellant, and unsympathetic to the last degree.

663. On what principles did you administer the government and discipline of the prison? I looked upon the prisoners as grown up children, who had been neglected in their childhood, and had, as a consequence, fallen into vicious and criminal practices. I adopted a system of kind, paternal treatment. I tried to convince the prisoners that I was their friend and counsellor. I inquired *into the antecedents* and studied the character of each, and endeav-

ored to adapt my treatment of him to his individual characteristics and needs. I acted as a medium of communication between prisoners and their friends, and where I found that the influence of friends was salutary, I sought to bring such influence to bear upon them as a power for good by visits and correspondence. I appealed to the convict's reason and sensibilities. I tried to convince him that there was still hope for him ; that he was not utterly an outcast ; but that he might, by his own firm resolve and earnest exertions, regain his manhood and recover his position and respectability in society. I was in the habit of visiting the prisoners, from cell to cell, every Sabbath, and conversing with and counseling them. I kept a book and noted down the results of all these interviews. A prison choir was formed, and singing introduced as a part of the public services of the Sabbath. One of my first acts was to organize a Sabbath school for the convicts, which I did through the aid of several of the keepers and citizens from the village. No prisoners were allowed to attend the school but those who had earned the privilege by their good conduct through the week. There was a great anxiety among the inmates to become members of the school, and this anxiety was a wonderful stimulus to correct deportment and industry. After the school had been in operation for some months, a Bible class was formed which was taught in the gallery of the chapel, and membership in this was the prize of the very best convicts in the prison. A place here was much prized and sought after. At length, there occurred some difficulty in getting all the teachers we needed, and I employed several of the convicts—those in whom I could place confidence—in this capacity. This was a still higher reward for good conduct. These convict teachers did their work well, fully justifying my trust in them. The interest they took in their classes and in preparing themselves for teaching them, was extraordinary. They were eager for bible dictionaries, sacred geographies, and other suitable books, as helps in their preparation. I have often thought that in this respect, they were models for teachers outside. In one instance, a convict, who received his pardon from the Governor on Friday, begged the privilege of remaining in the prison over the following Sabbath, that he might once more meet his class in the Sabbath school. Nearly all these changes in the discipline and management of the institution, at first met with much *opposition*, both from the under officers and citizens. They were *regarded as extremely radical*, and of more than doubtful expedi-

ency. It was feared that they would break down the discipline and ruin the institution. But time, observation and experience cured all this, and convinced the sceptics that reason and kindness are more powerful than all the appliances of brute force. I would state further, that when I entered upon my office, there was no library, and never had been, in the prison. The Rev. John Luckey was at that time chaplain. We both felt the want of some such agency. I went to Comptroller Flagg and inquired whether he could help me in this matter. He replied that he could not, that there was no authority for paying money for such a purpose. Mr. Luckey then applied to Governor Seward, who told him to get what books we wanted, and send the bill to him. About \$300 worth of books were procured, and Mr. Seward paid the bill out of his own private purse.

664. What were the results of the new system of discipline thus introduced? The prisoners were more contented and happy; they worked more cheerfully and better; punishments diminished, and indeed, became quite rare; hope sprang up in the minds of the prisoners; many learned to read and write; numbers were morally reformed, and some, I think, became truly converted, as they maintained a credible christian profession after their liberation.

665. What, in your opinion, should be made the primary object of prison discipline? The great object should be the improvement and reformation of the prisoner.

666. What is your opinion as to the practicability of reforming criminals? My idea is, that a proportion fully equal to two-thirds of all the inmates of our prisons may, by a judicious course of treatment, by proper moral, religious and educational agencies, be reformed and restored to society as honest and industrious citizens.

667. From what you have seen and otherwise known of the prison system of this State, do you think that the reformation of the prisoners is made the great object and aim, or is it rather to make money, at least, to the extent of rendering the prisons self-supporting? So far as I know, the reformation of the convicts is hardly taken into the account; money-making is made an object, but it is less for the State than for those who are, in one way or another, connected with the prison.

668. How far do party politics control the government and administration of our State prisons? Almost entirely.



669. When the political character of the Board of Inspectors changes, what usually occurs in respect to removals and appointments? An entire change of all the officers, almost always; if the incumbents differ in politics from the board, they must give place to others.

670. On what grounds are appointments made? On political ground, I should say, without any regard to fitness whatever; recommendations to office are always based on considerations of this kind. Party service is everything; qualification, nothing.

671. What kind of men do these political appointments introduce into our prisons as officers? I should say, as a general rule, very unfit men.

672. What effect does the employment of such persons as officers, have upon the discipline of the prison? A bad effect, every way. To maintain good discipline, you must have men duly qualified, both by natural qualities and experience.

NEW YORK, *September 20th*, 1866.

Mr. SEYMOUR'S *examination was resumed*:

673. What do you conceive to be the necessary qualifications of a good prison officer? I should say that a good moral character and at least a friendly feeling towards religion are the first requisites; if the officer is truly and earnestly religious, it will certainly be all the better; for it is at least desirable, if not indispensable, that he should be able to sympathize with the prisoner in his highest interests. In addition, I would say that a prison officer should be a man of good common sense, perfect temperance, a strong sense of justice, strict integrity and honor, quick perception, a knowledge of human nature, the power of self-government, an even temper, a kindly and sympathetic disposition, strength of will and firmness of purpose, and the sentiments and manners of a gentleman. I think it desirable also that a prison officer should be a man of family, and, as St. Paul expresses it, "able to rule well his own household." I would have him eschew the use of tobacco in all its forms.

674. As a matter of fact, do you think that these qualities and qualifications are possessed by the generality of our prison officers? I do not. Indeed, these qualifications are not inquired into prior to appointment, nor demanded as a condition of appointment. *The question is*, not how fit a man is for the office, but how well *he has served the party*. Appointed as officers are, many of them

are of a very low grade of morals; they drink, swear, and do other things not only unbecoming their office, but unworthy the character of gentlemen.

675. Are they expected to contribute a portion of their salary to electioneering purposes in behalf of the party from which they hold their appointments? They are expected to do so, and usually do it; and, as a general thing, they are marked unless they do it.

676. Was application ever made to you for contributions to this end? Such application was made, but I utterly refused to respond thereto, and was, in consequence, assailed in the newspapers of my own party.

677. What, in your opinion, would be the effect of looking to fitness alone as the ground of appointment to office in our prisons? The consequence would be that a much superior class of officers would be secured, and there would be an entire reformation in the discipline and *morale* of the prisons.

678. Does not the fact that the tenure of office in our prisons is so uncertain and commonly so brief, coupled with the other fact that the compensation paid is so moderate, tend to repel men of character and competency from becoming applicants for these positions? It has that effect undoubtedly. Worthy men, as a general thing, will not apply for office in the prisons.

679. By whom, in your opinion, should the subordinate officers be appointed? All the officers who constitute the police of the prison should, I think, be appointed by the chief officer; at least, he should have the nomination of these officers, and the power of removing them. He himself should hold his place independent of the inspectors.

680. What do you conceive to be the remedy for the state of things described in the foregoing answers? There must be such a change in the constitution as will remove the government of the prisons from the control of partizan politics and give permanence and stability to the executive administration thereof. Nothing less radical than this will effect the desired change.

681. How was the labor of Sing Sing prison conducted during your administration? On the contract system, except the quarry, which was worked on account of the State.

682. What was the number of prisoners during your incumbency? As I recollect, it varied from 800 to 1,000.

683. What proportion of these worked on contracts? As near as I can remember, about three-fourths.

684. How many contracts were there in the prison at that time? Some six or seven, I should think.

685. At what rates of compensation was the prison labor let? The average, I should say, was about forty cents.

686. How did this compare with the rates paid for the same kinds of labor outside of the prison? It was about one-third.

687. How did the amount of labor done by the convicts compare with that done by mechanics outside? Two-thirds, I should think, would be about the proportion.

688. Did the contractors, in your opinion, find their contracts profitable? Most of them did.

689. In cases where failure occurred, to what, in your judgment, was such failure owing? I think either to a want of sufficient capital or to a lack of business tact and ability.

NEW YORK, Sept. 21, 1866.

Mr. SEYMOUR'S *examination was resumed* :

690. When contractors fail to make money, is it their habit to suspend payment and to apply to the Legislature for relief? Yes; that is generally their practice.

691. What is the result of such applications? They are almost always successful.

692. Is it the practice of contractors to trump up fictitious claims for damages? From my experience in the matter, I should say that it is. I have known various instances of claims for damages, resting on no foundation of justice, made and allowed, in whole or in part.

693. Can you state the amount of losses accruing to the State in these ways? I cannot with exactness; but I know the sum total to be very large.

694. Supposing that contractors do really fail and sustain great losses, is there any ground of right or reason why they should come upon the State for indemnity? In my opinion, there is not; more particularly, as all the failures I have known of have, without exception, occurred through unsuccessful operations outside.

695. In suits between the State and contractors, have you ever known the former to succeed? I don't recollect an instance now, *but I remember many of the opposite character.*

696. Do you know, or have you reason to believe, that favoritism is ever shown in the awarding of contracts? Yes, I think that that is very often the case. This is done, most generally, on political grounds; sometimes, perhaps, on that of private friendship.

697. Have you ever known contractors to combine to keep down the price of convict labor? I have known cases like the following: When a new branch of business has been about to be introduced, parties outside, who desired the contract, have combined to cheapen convict labor; for instance, one of the parties has bought off the others for certain money considerations, so that he has had no competitor before the board, and so has obtained the prisoners at a price much below that which would have been just and fair.

698. Are bonds, with good and sufficient sureties, exacted of contractors? I think not; at least, they were not when I was connected with the prison. It was claimed that monthly payments and the fixtures put up in the shops by contractors secured the State, and rendered it unnecessary to exact special sureties.

699. Does that, in your opinion, constitute a sufficient security against loss by the State? It would, perhaps, if the conditions were exacted; but in many cases they are not. Contractors get indulgencies on one plea or another; the monthly payments are not made; and, in the end, a large debt is accumulated, and the State very often becomes the loser.

700. You think, then, that special satisfactory sureties should be required? I do.

701. Are contractors a power in the prison? They are truly that.

702. Have you reason to believe that they ever employ bribery, direct or indirect, upon keepers, to induce them to favor their interests? I cannot say that I have known money to be paid to the keepers; but valuable presents have, to my knowledge, often been made to them by contractors.

703. Do disputes often arise between contractors and the prison authorities? Yes, quite often, and that on various grounds. For example: when times are prosperous and men come in, a brisk competition springs up as to who shall have them, and especially who shall have particular men; and on the other hand, when times are dull, they will persistently refuse to receive any new comers, though under obligation to do so by the terms of their

contracts. In these and other ways, sharp contests are continually generated, and the prison kept, I may say, in a constant turmoil and hubbub.

704. Do contractors ever contrive to get men on half pay, who yet do full work? I think they do very often, principally through the presents to keepers before referred to. I have reason to believe that a considerable proportion of the labor, done on a given contract, is sometimes obtained in this way.

705. How far do contractors introduce outsiders into the prison to mingle with the prisoners? They introduce superintendents, instructors, and sometimes even workmen; and besides this, numbers of persons come in, pass through the prison premises, and mingle more or less with the convicts, on errands of business, real or pretended, with the contractors and their agents.

706. How many would you say of these outsiders were, on an average, in the prison when you were there? When I was in the prison, I should judge there might have been thirty, or thereabout; the number since, has often exceeded that.

707. What was generally the character of these persons? They were selected without any regard to their moral character, and simply on the ground of their mechanical knowledge and skill. They have not unfrequently had to be removed because of their moral unfitness.

708. Did they ever carry on traffic with the convicts, or serve as a medium of communication between prisoners and the outside world? Both these things were alleged, and there is no reason to doubt, with truth.

709. Did contractors and their agents ever use profane or abusive language toward prisoners? Very often indeed; and not only to the prisoners, but to others in their presence.

710. Did they ever enter the prison precincts under the influence of liquor? That, also, was often the case.

711. What is the effect of the contract system on the discipline of our prisons? The effect is pernicious.

712. What proportion of all the discontent, insubordination and punishment in the prisons is, in your judgment, due, either directly or indirectly, to the existence of the contract system? Certainly more than one-half of it.

713. Was over-work allowed in your day? It was not; neither *were there any tasks*; but the convicts were required to work from *bell to bell*.

714. As the result of your experience and reflection, is it your opinion that the contract system ought to be abolished? It is, decidedly.

715. Was the prison self-supporting in your day? It was the first two years, with a small surplus of earnings. The last year was one of great commercial depression, and the prison fell behind; but only to a moderate extent; less, I think, than \$10,000.

716. If the contract system had not been in existence, and you had had the management of the prison labor yourself, do you think that you could have earned considerable surplus revenue for the State, during those years? I have no doubt of it whatever. Indeed, I have often thought and said that I would willingly undertake to defray all the expenses of the prison, and pay a bonus of \$10,000 annually to the State for the labor of the convicts. On these terms, I feel confident that I could make a fortune out of the lease.

NEW YORK, *September 24th*, 1866.

THOMAS E. SUTTON *was sworn and examined.*

717. Where do you reside? Morrisiana, Westchester Co., N. Y.

718. What is your present business? I am a printer, in the city of New York.

719. Have you ever been connected with Sing Sing prison, and if so, in what capacity and how long? I have been connected with that prison as agent and warden, from February 1st, 1864, to January 26th, 1865.

720. By whom are the officers of the prison appointed? By the board of inspectors; they appoint all the officers, from the agent down.

721. How are the inspectors appointed? They are elected by the people of the State. The board consists of three members, of whom one is chosen and one goes out every year.

722. How far does party politics influence and control the government of our State prisons? Entirely; the prisons constitute a part of the political machinery of the State.

723. Can there be anything like permanence in the executive administration of the prisons under this system? In no other way than by the continuance of the same party in power.

724. What usually happens when the political character of the board of inspectors changes? The party in power immediately remove their political opponents, and put in those of the same political creed with themselves.



725. Appointments to office in the prisons, then, are made on political grounds, and not from considerations of fitness in the candidates? They are made on political grounds solely, and often without the inspectors ever having seen the persons whom they appoint.

726. Does not the fact that the tenure of official position in our prisons is so uncertain and usually so brief tend to repel men of character and competency from becoming candidates for office therein? I think it does; it must, from the nature of the case.

727. What sort of men, in the main, does the system of political appointments introduce into our prisons as officers? They are not, generally, the kind of men that ought to be there.

728. In your opinion, would a different and better class of men be appointed to office, if fitness alone were regarded in the selection, and if their positions were made permanent and the salaries adequate in amount? Yes, without any doubt.

729. By whom do you think the subordinate officers should be appointed? By the warden. There should be but one head, and he should be held responsible for the condition of the prison. He cannot properly be held responsible, so long as the officers constituting the police of the prison are neither appointed nor removable by him.

730. What effect does the frequent change of officers have upon the discipline of the prisons? It is ruinous to the discipline every way. The prisoners know, as well as anybody, that the whole thing is a political machine, and it has a very demoralizing effect upon them. Many of the prisoners are very shrewd; they study the character of new officers with great keenness, and they contrive all possible ways to make them bend more or less to their own wishes. If the officers were permanent, this could not be done.

731. The labor of the prison, during your incumbency, was conducted on the contract system? It was.

732. What was the general rate of compensation paid for the prison labor? It ran from 40 to 50 cents.

733. How did these rates compare with those paid outside for the same kinds of labor? Not more than one-sixth, at the time I was there.

734. How did the amount of work done by the convicts on contract compare with that done by mechanics outside? I think they *would* do fully three-fourths of what was done outside.

735. Is shop room furnished to the contractors without charge?

It is; there is no charge to them for anything except Croton water and the men.

736. Is it your opinion that the contractors made large profits out of the labor of the convicts? That is my opinion, but it is impossible to get them to admit it.

737. Do the contractors introduce outsiders into the prisons in the capacity of agents, foremen, instructors, &c.? They do.

738. What number of these men were employed during your administration? I cannot state the exact number; it might have been thirty, more or less.

739. Did these persons ever introduce contraband articles into the prison? Yes, I have known them to do it.

740. What kinds of articles? Groceries and other articles of food, mainly.

741. Have you ever known liquor to be so introduced? I have known of this, and have no doubt that it has been done to a considerable extent.

742. Can you state any instances of the introduction of these contraband articles? Yes; there was the case of a citizen book-keeper and clerk of one of the contractors. I had received intimations from a keeper that this person had such articles in his office, in one end of the workshop. I, of course, paid a visit to the said office. I told the gentleman that I understood he had some groceries in a chest. He replied that he had nothing belonging to me. I said to him, "if you have any groceries here, they belong to me." I accordingly opened the chest, and found it filled with small packages (half and quarter lbs.), of tea, sugar, &c., &c. I let him remain through the day, but gave orders that he should not be admitted into the prison premises any more, which order was faithfully carried into effect, in spite of remonstrances from the contractor. On another occasion, I found a box of groceries of the value of \$30 to \$40, sent up in a contractor's case, from a house in New York. This was confiscated to the use of the hospital. I was once met by a grocer of Sing Sing, who said to me, "Mr. Sutton, you are rather strict about the introduction of groceries into the prison. We do not now have an opportunity of sending up one dollar's worth, where we used formerly to supply to the amount of a hundred dollars." I could mention other instances, but these will suffice as a specimen.

743. What effect does the presence of so many outsiders have

upon the discipline of the prison? It has a baneful and demoralizing influence.

744. Do not the contractors constitute a power in the prisons, and, in effect, wield a controlling influence there? They do; there is no denying that fact.

745. From your observation, do you think that the interest of the contractors is promotive of, or opposed to, the interest of the prison as a penal and reformatory institution? I think it is opposed to the interest of the prison in that relation.

746. Did the system of overwork exist in the prison while you were there? It did, on some contracts.

747. Did any contractor who allowed overwork permit all his men to do it, or only certain selected ones? Only certain ones.

748. What effect did this produce on the minds of those to whom it was denied? The tendency of the system is to ill feeling and fault finding on the part of convicts, and such are its results.

749. On what principle is the compensation of overwork fixed—is it regulated by the time or by the piece? Always by the piece.

750. Who fixes the rates? The contractors.

751. How do the rates paid to convicts for overwork compare with what would have to be paid outside for the same work? There is no comparison at all, the rates are so much less.

752. In your administration, was it the rule that all moneys earned by overwork must be handed over to the prison authorities? That was the rule, and I think the law; moneys so earned were to be paid over to the warden the first of each month.

753. Had you any means of knowing whether these moneys were all so paid over? I had not, nor would that be possible, unless one should have the privilege of examining the contractors' books.

754. Did prisoners ever claim that more money was due to them than what appeared on your books to their credit? Yes; they have done so in a number of instances.

755. At what time in the day did the men usually get through their assigned tasks? Some as early as 11 or 12 o'clock; the majority, from two to three.

756. Men who were allowed overwork after completing their tasks were busy upon that? Yes.

757. How were those engaged who were not allowed overwork? They sat round the shops, reading or doing nothing, as they saw fit.

758. Did not this practice have a bad influence on the discipline?

It did, and could not be otherwise. It is impossible to prevent communications under such circumstances.

759. What proportion of the prisoners on contracts were allowed to do overwork? But a small proportion, comparatively, as indicated by our ledger; I could not state it exactly.

760. Yet the rest would mostly get through their tasks before the end of the day? Yes; very few men worked till the end of the day.

761. Is it your opinion that the better plan is to give tasks to the prisoners or to require them to work from bell to bell? I should prefer the latter system; better discipline could be maintained under it.

762. Do many of the prisoners, through over-work, gifts of friends, or otherwise, contrive to have money secreted about the prison, in greater or less amounts? They do; I have no doubt that \$5,000 could be picked up there any day, if you could get all that is thus secreted.

763. Do convicts who thus have money at their command, ever employ it to induce keepers, or contractors' employes, to use their influence in any way to the advantage of such convicts, by extending indulgences to them, lightening their tasks, placing them in more desirable positions, or in some way bettering their condition while in prison? It must be so. What else could they do with it, except pay it to small lawyers for procuring pardons?

764. What did you observe to be the effect of the commutation law on the conduct of prisoners? Decidedly good. It is one of the best measures for the improvement of prison discipline that has been devised for a long time.

765. What proportion of the convicts earned their commutation? A very large proportion.

766. Was time once earned ever forfeited? Very seldom, indeed.

NEW YORK, *Sept.* 25, 1866.

*Rev. JNO. LUCKEY was sworn and examined:*

767. Where do you reside? At Sing Sing, New York.

768. Have you ever been connected with Sing Sing prison, and if so in what capacity? I have served as chaplain in that prison.

769. For how long a period did you serve? About eighteen years. Thus: I was appointed at first by the board of inspectors

in the spring of 1839, and served seven years. During this time there were two thorough political changes of the prison officers. I was re-appointed in the spring of 1855, and remained up to January 1866.

770. What wardens have you served under? Robert Wiltse was agent and warden, when I was first appointed. He was succeeded by Mr. D. L. Seymour, in 1840. Early in Mr. S.'s administration, these two offices were separated, and he continued under the title of agent three years. Then Elam Lynds, who had originally commenced the prison, was reappointed as warden, with Wm. H. Peck as agent. Mr. Lynds continued in office about seven months, and was succeeded by Hermon Eldredge as warden. It was during their administration that I was removed. When I was reappointed in 1855, I found C. Batterman in office as agent and warden, the offices having been reunited. The next agent and warden was Wm. Beardsley, who came into office, I think, on January 6, 1857, and continued till Mr. G. B. Hubbell was appointed in the spring of 1862. He was succeeded by Thomas E. Sutton, in February 1864, who, after serving one year, was himself succeeded by S. H. Johnson, in January 1865, under whose administration I served till January 1866, when I was removed by the present board of inspectors. Thus my service as chaplain has been under nine distinct administrations.

771. What system of discipline did you find in use under Mr. Wiltse, when you were appointed chaplain in 1839? Fear and force were the only principles employed in governing the male convicts. No incentive to obedience, diligence and skill in the performance of their tasks was held up to their view. Not unfrequently cruel and unjust punishments by the cat were inflicted during that year. The consequence was that labor was an exceedingly irksome task to the convicts, and as a matter of course, no interest was taken in its performance. Escapes, or attempts to escape, were of almost weekly occurrence, the convicts choosing, as they frequently told me, to run the risk of being shot down by the guards rather than remain to be murdered by inches.

772. Was any change made in the system of government on the accession of Mr. Seymour to the administration of the prison? A great change was made by him. New officers were appointed, and with them came an entirely new order of things. Mr. Seymour required of his assistants a humane, forbearing and just intercourse with the convicts; and, as a consequence, he exer-

cised over the latter, both while in prison and after their discharge, a corresponding moral control. Some of the old officers were amazed at Mr. Seymour's commencement; others stood aghast as they saw him enter the hospital and take part in the religious exercises. "Where will all this end?" was a question in many a mouth, as he went from cell to cell on the Sabbath, delivering tracts, exhorting the convicts to duty, and especially when he commenced a Sabbath school, taking charge of it himself and employing the better class of convicts for teachers, when he could get no others. But the prison records show conclusively that all this was done without detriment to the good order of the prison or the safe keeping of the convicts; nay, to the decided advantage of both these interests. The punishments were not only less severe, but much less frequent; very few attempts at escape were made; work was more cheerfully performed and more of it done, and numerous instances of moral and religious reforms took place, as was conclusively shown by the continued good conduct of the convicts after their liberation. Some, who had predicted revolt and rebellion on the part of the convicts as the consequence of this humane treatment of them, on witnessing the results just stated, and the complete falsification of their own prophecies, candidly and with emphasis declared, "Mr. Seymour is right." Even Mr. Wiltse, the former agent and warden, whose administration had been so stern and severe, became a convert to the new system, and assented to its wisdom and efficiency. I should have stated, in a previous part of this answer, that a library of the value of some \$300, the gift of Wm. H. Seward, was procured for the use of the prisoners.

773. Were the same moral agencies continued under the successors of Mr. Seymour? By a turn in the political wheel, a new board of inspectors came into power, imbued with different views. Mr. Seymour was removed, Mr. Elam Lynds was brought back and invested with the administration of discipline; and, "at one fell swoop," the Sunday school, the distribution of tracts, the prison correspondence, the library, the visitation of friends, and all those moral appliances for which I had labored so earnestly, were swept away. Brute force was again enthroned, the reign of terror was renewed, the "knock down and carry out" system was reinstated in full vigor. However, a few of the keepers, among whom was Hermon Eldredge, desirous of continuing the mild system, entered into a private arrangement to do so as far as prac-



ticable, in their own shops, in a quiet, unobtrusive way. The effect of the change, introduced under the auspices of the new board, was that punishments increased, escapes multiplied, the temper of the prisoners was soured, insubordination grew apace, and the discipline became greatly demoralized, except in the shops presided over by the keepers who had agreed together to use, as far as they could, kindness and humanity in the government of their men. The inspectors at length became convinced that they were on the wrong track, and, after about seven months' trial of the system of severity, Mr. Lynds was "relieved," and Mr. Eldredge substituted in his place. Then there was a return to moral influences, but, owing to circumstances not needful to be here explained in detail, not of so pure, healthy and vigorous a kind as under the administration of Mr. Seymour. Of the discipline during my absence of nine years, from 1846 to 1855, I have no personal knowledge. On my return I found Mr. Beardsley at the head of the prison, and, in place of the cat, the instruments of punishment were the shower-bath, the buck, the crucifix or iron yoke, and a horrid implement, called the pulley, and worthy of the Inquisition, by which, a man's arms being tied behind his back, he was by them hauled up so as to stand on tip-toe, and then, as his head would naturally hang down, the officer would strike his forehead with a cane or club, telling him to hold up his head. As this punishment was inflicted in a room adjoining my office, and separated from it by only a thin board partition, I heard the piercing and unearthly groans which were often occasioned by it, and it seemed to me sometimes as if the very life of the victim was being wrenched out of him. Other punishments were also inflicted there. Day after day I was compelled to hear all that was said by the keeper and convict while the punishment was going on, and generally knew who they both were by their voices. I could tell tales that would cause humanity to blush and christianity to weep. I have known a man to be bucked—a most dangerous and cruel punishment—till he could not stand, but was obliged to lie prostrate and helpless upon the floor, when the punishment was over. I have known another to be bucked and showered with a hose, the large stream of water being impelled into his face and eyes till he cried out most fearfully, and was then, in a helpless state, taken by three convicts to the hospital. *This man my own eyes saw, at 12 meridian, after the punishment, lying in the hospital, still senseless.* When Mr. Hubbell became

head of the prison, in 1862, all this was changed. He was the worthy successor of David L. Seymour, and reinstated his method of discipline in all its vigor.

774. How far would you say that party politics influences the government of our State prisons? It has come to exercise a complete control over the whole prison system.

775. When the political complexion of the board of inspectors is changed, what usually takes place? A change of the prison officers throughout is commonly the first business of the board after their accession to power.

776. When a new inspector comes into office, without changing the character of the board, does the same thing measurably occur? That is the *modus operandi*. I have heard that principle announced by an inspector, and have both seen and felt its operation.

777. On what considerations are appointments usually made? From my observation, I should say that the considerations which control appointments are of a political character altogether, and that what is most effective is personal effort in behalf of the election of the inspector. I judge so from the fact that most of the appointments are made from the vicinity of the inspector's residence. Even the matrons in the female prison are now selected from adherents to the party in power. The insignificant office of teacher, yielding \$150 a year (the service being an hour and a half each evening), is made to depend on considerations of this character. An honest inspector, some years ago, was applied to for an office for a certain person. Knowing his unfitness, he declined appointing him. The gentleman who presented the application said: "Mr. —, do you know that the person whose name stands first on the list of those who recommend this man to office is the gentleman who nominated you for inspector?" He replied: "I am very much obliged to him, if he did; but that can't induce me to give office to an unworthy person." As the gentleman came out from his office, he remarked: "That inspector has signed his own political death warrant;" a declaration or prophecy which proved to be true. I may add that the individual, for whom application was thus made for the post of prison officer, was so desperate a character that, as I was informed and believe, some at least signed the application for his appointment in order to get him removed from the neighborhood.

778. What sort of officers do these political appointments give

to our prisons? That question is in part answered in the last. In the first place, as a matter of course, it gives men without experience, and in the great majority of cases, men quite unfit for the intelligent and successful discharge of the duties of their position.

779. What is the influence of this system of appointments on the discipline of the prisons? It cannot be otherwise than very deleterious. The new officers come in, for the most part, wholly uninformed with regard to prison matters, often without ideas, oftener, perhaps, with wrong ones; insomuch that I have sometimes thought it more difficult to convert these gentlemen to right views and sentiments than to convert the convicts to religion.

780. Is it your opinion that men of character and competency are often repelled from seeking positions in our prisons from the uncertainty and brevity of their tenure? I have no doubt of it.

781. What, in your opinion, is the remedy for this state of things? The only effective remedy is a complete divorce between our whole prison system and party politics. This separation can be brought about only through a change in the constitution, which, it is to be hoped, may be effected when a convention is ordered and convenes to revise and amend that instrument. The inspectors should be appointed, as was formerly the case, by the Governor and Senate, or, what would perhaps be better, by the judges of the high courts, as in Pennsylvania, to hold office during good behavior; and the judges themselves should hold their positions by a like tenure. This would secure permanency to the administration of the prison government, as well as remove it beyond the corrupting touch of the hangers-on of party.

NEW YORK, *September 26, 1866.*

Mr. LUKCEY's *examination was resumed:*

782. What is the contract system? It consists in letting out the labor of the convicts to certain parties, called contractors, on public bids, at so much per day, for a specified number of years, usually five.

783. During your connection with the prison, what were the usual rates at which the prison labor was hired out? I have known convicts hired to contractors as low as 25 cents a day, and the price paid has varied from that to 60 cents.

784. What, in your opinion, was the general average? I should say from 40 to 45 cents.

785. How does that compare with the average rates of com-

pensation paid for similar kinds of labor outside? I am not as competent to answer that question as some others would be, not being in the habit of hiring laborers, nor very familiar with the prices paid therefor; but I should think it is not more than half of what was paid to common day laborers, and not more than a third of the price paid to mechanics.

786. How does the amount of work done by convicts on contracts compare with that done by citizen mechanics? My judgment is that, as a general thing, they do about three-fourths as much.

787. Is it your opinion that contractors have generally made large profits out of the prison labor? As a general thing, I think that their profits have been large.

788. Do you, or do you not, think that a warden of competent business talents, of strict integrity and honor, and of high administrative ability, who should at the same time be permanent in his position, holding it during good behavior, would be able to manage the industries of the prison as well as its discipline, and realize equal profits to the State? I am of the opinion that it could be done by such a person at the head of the prison as is described in the question.

789. When new convicts are received into the prison and there are contractors in want of men, the quota called for by their contracts not being full, how is the distribution made? Frequently, when three or four convicts come to the prison, while they still remain in the warden's office, several contractors will come in to look at them. The warden, putting one of them forward and addressing himself to a contractor, will perhaps say, "Well Mr. So and So, how do you like this man, will he suit you?" The contractor so addressed will then examine his points, as in the time of slavery a planter used to examine a negro whom he was about to purchase, scrutinizing his limbs, joints, build and general appearance, and will reply: "Well, I guess I don't want this fellow, he looks as if he were too lazy to work." "Then what do you say to this one?" bringing forward and exhibiting a second man, pale, perhaps, from long imprisonment in jail. "Well, he looks rather weak, but I guess I might take him at half price; I will give for him half what I pay for my men according to the terms of my contract." He will then probably be taken to the physician for examination, who not unfrequently gives an opinion to the effect that the man is not able to do more than half the

work of an ordinary man, and he is accordingly let to the contractor and put to work on those terms.

790. Are men, obtained in this and other ways on half wages, by degrees brought to do full work, while the pay received for them by the State remains at the reduced rates? I cannot say this from my own personal knowledge, but it is commonly so reported and believed, and I have no doubt of it.

791. Do scenes, similar to the one you have described a moment ago, but on a broader scale, ever occur on the expiration of a contract, and before the men are regularly let on another? Yes, that is so. I was myself an eye witness to what I am about to relate. A certain contract had expired, whereby some fifty men were released from productive labor. These men were brought into the prison yard and made to stand up in a row, with their backs against the wall of the main prison. The several gentlemen then holding contracts were summoned, and asked on what terms they were willing, temporarily, to take the labor of these convicts. Thus invited, they passed up and down the line, examining the men one by one, closely scrutinizing their persons, and at the same time indulging in jocular and sometimes coarse remarks thereupon. The warden at length said: "Well, gentlemen, what will you give for the labor of the whole lot together?" A contractor responded: "I will give twenty cents a day." A second advanced slightly on that offer. The bidding then went on, as at an ordinary auction sale, till no higher *per diem* could be obtained, when the men were let—struck down, I might say—to the highest bidder. The scene, in all its main features, answered to that I had conceived of a slave auction at the south, in the days when men and women were sold there. The whole impression on my mind was painful and humiliating in the extreme.

792. Under whose administration did this occur? To the best of my recollection, it was under the administration of Mr. Beardsley.

793. Are the contractors a power in the prisons? They are, decidedly; they exercise, I should say, a controlling influence in them.

794. In what way do they make their power felt? In the appointment of officers, in the administration of the discipline, and in obstructing the moral agencies proper to be employed in the reformation of the convicts.

795. How do they make their power felt in the appointment of officers? The contractors supply, to a great extent, the funds

necessary to carry on the prison. This, together with a real or supposed political influence, wielded by them in conventions and elsewhere, gives them great power with the Inspectors, by whom all appointments to office are made. By means of an influence thus acquired over them, the Inspectors are, not unfrequently, induced to appoint heartless, cruel and unprincipled keepers, whom the contractors can use as tools in furtherance of their own interests, often to the detriment of the health, and oftener, still, of the morals of the convicts. So potent is the influence of the contractors in this direction, that, if they would combine and make a skillful use of their power, they could, in my opinion, remove even the warden himself, unless he had some extraordinary means of retaining his position. I have known of a principal keeper by whose fidelity to duty the contractors were thwarted in their wishes, and who could be got out of the way no otherwise, hired to resign his position and retire from office by a large contribution of money made by these gentlemen; whereupon one of the hardest and most cruel men, ever to my knowledge employed as an officer in the prison, was appointed, on the recommendation and through the influence of the contractors, to the vacant post of principal keeper.

796. How do contractors make their power felt in the administration of the discipline of the prison? They often interfere in the discipline, directly, by dictating as to the punishment of the convicts in their shops. I have often seen contractors accompany prisoners to, and return with them from, the punishment room. On one occasion, I saw a man bucked in a very cruel manner; and when, as his neck would be wrenched, and under the agony thus inflicted, he would plead for mercy, a contractor's agent, standing by, and fairly gritting his teeth, would say to the officer who was administering the punishment: "Give it to him, the villain! He is not subdued yet." I have known contractors to stimulate certain prisoners, by special rewards, to do more than an ordinary day's work, and then insist upon others coming up to that standard, and when they failed to reach it, to have them punished as idling and wasting their time.

797. In what ways do contractors make their power felt, in obstructing the moral agencies employed, or desired to be employed, as a means of reforming prisoners? They oppose everything of this kind which would consume any part of the time of the convicts, that might be employed to their own pecuniary



advantage. Some years ago, as a means of softening the feelings and improving the hearts of the convicts, I got up a prison choir, composed of the prisoners. The hour from four to five every Saturday afternoon, in summer, and from three to four, in winter, was devoted to practice, in my presence. At length, the contractor, in whose shop the leader of the choir worked, forbade him to attend the rehearsal, unless a deduction of one-fourth should be made from his wages on that day, for this loss of a single hour. There was a convicts' prayer meeting, held for an hour once a fortnight, during a part of the time of my incumbency; the contractors objected to any of their men attending this service at the sacrifice of a single hour of their time. In the year 1844, I proposed a burial service for the dead, at which the convicts should be assembled in the chapel. To the propriety and wisdom of such a service, as a moral agency potent for good, the Inspectors, at once and cordially, assented; but in their response to my written application, they said that a difficulty presented itself as to carrying out my recommendations, in the fact that a large number of the convicts were employed by contractors at certain *per diem* rates. If a proposition should be made to-morrow, for a brief service of prayer each morning, or for holding a half hour's school, for the benefit of those younger convicts who might need it, I doubt not that such moral agencies would meet with insuperable obstructions from the contractors.

798. Do contractors bring into the prison a considerable number of citizens from outside, to mingle more or less with the convicts? They do.

799. What is the general character of these persons? Very many of them are persons by no means desirable to have in the prison; their moral influence is not good; and they are not reliable in point of integrity.

800. Do you know anything of the introduction of contraband articles into the prison through these persons? When I returned to the prison, in 1855, I found a large quantity of improper books, many of them of a low and obscene character, enough to fill several corn-baskets, which had been introduced by them, and sold to the convicts at enormous prices. Subsequently to this, it was often brought to my knowledge that similar books were brought in through the same channels. From this I infer that the stories I have frequently heard of the introduction of other contraband articles by these outside parties, are true.

801. Was overwork allowed during your connection with the prison? During the earlier years of my chaplaincy, it was not allowed; during the later, it was.

802. In these later years, did all the contractors allow overwork? No; some did, and some did not.

803. Was the denial of overwork in some shops, a cause of dissatisfaction and discontent on the part of convicts who worked in them? It was. They often applied to me to use my influence, both with the warden and the inspectors, to get them changed to shops where overwork was allowed.

804. What proportion of all the discontent, insubordination, violation of rules, and punishments in our State prisons are, in your judgment, due, directly or indirectly, to the existence of the contract system? A very large proportion; I should say, the greater part.

805. What, in your opinion, is the primary object of prison discipline? The reformation of criminals.

806. What is your judgment as to the practicability of reforming this class of persons? I think that nearly all of them, through the use of right methods, are susceptible to reformatory influences. However degraded human nature may become, through the practice of vice and crime, a patient search will seldom fail to detect, somewhere in its multifarious foldings of corruption, a germ, at least, of moral vitality, a power of recuperation, awaiting the quickening touch of genial influence.

807. Are our prisons, as at present constituted and conducted, made, primarily, agencies for reform? To this question I answer no, emphatically. Not reformation, but money-making, or at least the self-support of our prisons, is the central idea in their management. This is the all-absorbing theme of the public mind, as it stands related to our prison system. The effect of this has been, and it could not fail to be, gradually but surely to introduce an anti-reformatory *regime* into our prisons, which has materially obstructed their power of benefiting their inmates and restoring them to society, reformed, honest and industrious citizens.

808. What did you observe to be the effect of the commutation law on the conduct of the prisoners? It was every way favorable; I regard it as an important aid to discipline, and a very great advance in the science of prison reform.

SING SING STATE PRISON, Oct. 15, 1866.

Mr. LEWIS H. MILLER *was sworn and examined.*

809. Where do you reside? At Sing Sing, N. Y.

810. What is your business? The manufacture of files, augurs and bits.

811. What is your relation to the Sing Sing prison? I am a contractor there, and have been four years.

812. Have you ever been connected with the prison in any other capacity? I have been connected with it as a keeper.

813. When and for how long a time? I was first appointed in 1854, and served about seven months; subsequently, in 1862, and served till I became contractor in September following.

814. Are you acquainted with the circumstances of the late revolt in August last? I am pretty well acquainted with that affair.

815. What do you consider the primal cause of this revolt? The laxity of discipline, growing out of the frequent changes of officers, which is itself the result of the dominating influence of party politics in our prisons.

816. Will you state briefly the history of the revolt referred to, as you understand it? A revolt of some kind had been in contemplation for at least three or four months prior to its actual occurrence. The officers had received intimations that something of the kind was in agitation. I had myself received various intimations to this effect, but did not know to what extent the thing had been carried. Different plans had been canvassed. At one time it had been proposed to seize a propeller that was accustomed to come to the prison wharf, to leave and take away freight. Eleven men in my shop were engaged in the revolt, and altogether the number reached nearly or quite thirty. Many more had engaged to take part in the proceeding, but when the time came, their courage failed them and they backed out. The arrangements for executing the plan were concocted in the chapel, at a time when sickness prevailed to such an extent that it had to be used for hospital purposes. The plan finally determined upon was to make a break, rush past the guards, and make their escape at whatever point promised the best chance of success at the time. The ringleaders were prisoners by the name of Stafford, King, Haste, McGowan and McMulligan. The day fixed upon was *towards the latter end of August*, and the hour of the day about *4 o'clock P. M.* At this time, the men engaged in the revolt rushed

out from the several shops in which they were at work, and, armed with knives, chunks of iron and whatever they could seize, made their way past the mess-room and south foundry, in the direction of the lime-kiln, which is on the southern boundary of the prison premises. I was in the warden's office at the time, when Mr. Collier, the office keeper, remarked: "There is a break among the prisoners; Mr. Franklin, seize your pistol, and let us assist in quelling the revolt." Upon this, all of us who were in the office rushed out to the scene of the disturbance. We went to the lime-kiln, and found that some three or four of the prisoners had passed the guard-post near the lime-kiln, having driven the guard away by stoning him. By this time some half dozen of the guards had reached the hill-side in the vicinity of the scene of action, and were rapidly discharging their carbines at the convicts in revolt. I never saw officers behave more bravely, or discharge their duty more faithfully, than these men did upon this occasion. Not more than half an hour had passed before the disturbance was entirely quelled, and the men were all brought back to the shops, with the exception of one who had been killed, and another who had effected his escape. None of the guards were wounded, except one, who was somewhat bruised with a stone that had been cast at him.

817. What is the present state of the discipline in the prison? I think it is growing a little more lax year by year.

818. How is it as to the enforcement of the rule of silence? There is not much of it. There are some shops where, owing to the noise of the machinery, the men can talk quite loud, and even sing, without being heard by the keeper.

SING SING STATE PRISON, Oct. 15, 1866.

*BENJAMIN LEGGETT was sworn and examined:*

819. Where do you reside? In Sing Sing, N. Y.

820. What is your business? I am a keeper in Sing Sing prison.

821. When did you first become connected with this prison? In the winter of 1831. I was first appointed as a guard, served about four months, and then became keeper.

822. Has your service as a prison officer been uninterrupted since your first appointment? It has not. There have been some four or five intervals, amounting in all to six or seven years. I have been connected with the prison altogether about thirty years.

823. Under how many administrations have you served ? Ten altogether, viz.: Those of Robert Wiltse, David L. Seymour, Wm. H. Peck, Chauncey Smith, Alfred R. Booth, Christopher Batterman, Wm. Beardsley, Gaylord B. Hubbell, Thomas E. Sutton and Samuel H. Johnson.

824. Under what administrations, that have occurred since your connection with the prison, have you not served ? Those of Munson J. Lockwood and Hiram P. Rowell, as far as I remember.

825. What administration preceded that of Mr. Wiltse when your term of service commenced ? That of Elam Lynds.

826. Then you have served under ten administrations, there having been thirteen in all ? That is so, if my memory serves me.

827. Have these different administrations varied much in their principles and modes of discipline ? There has been considerable difference.

828. What was the general character of the discipline under Mr. Wiltse ? His chief instruments of punishment were the cat and the dark cell, and the character of the discipline was stern and severe.

829. As you have understood it, was that also the character of the discipline under Mr. Lynds ? It was.

830. What was the character of the discipline under Mr. Seymour ? The same mode of punishment continued under Mr. Seymour, but in much greater moderation, and moral influences were more used and relied upon.

831. How was it under Mr. Beardsley ? The discipline under him was somewhat more severe than it is at present.

832. What is your idea of the proper size of a convict prison ? I think that 600 are as many men as ought to be congregated together in one prison.

833. What are your reasons for this opinion ? I think it desirable that the head of a prison should know all the prisoners personally, and be able to adapt his treatment to the character of each.

834. What do you conceive to be the primary object of prison discipline ? The reformation of prisoners.

835. Do you think that our State prisons in New York are organized and conducted with a prime regard to reformation ? I do not.

836. What is practically the real end in view ? I should think *the view was to make the prison pay its way.*

837. What do you think the greatest obstacles in the way of

the reformation of convicts? Party politics and the contract system.

838. On what grounds are appointments in the prison chiefly made? Almost wholly on party considerations. Frequently the candidates are never seen by the inspectors previous to their appointment.

839. In what way do party politics interfere with the reformation of convicts? By the continual changes it causes in the officers, and the inferior class of men it is apt to introduce as officers. Whenever a new inspector comes in, even when the political character of the board is not changed, he always claims some appointments to reward his friends; of course, there must be removals to make room for them; and, as a general thing, the officers who have been longest in service are those who have to give place. When the political complexion of the board of Inspectors changes, it is, of course, much worse, as in that case nearly all the incumbents are removed, and their places are filled by new men, almost all of them wholly without experience. The convicts then take every advantage they possibly can of these new officers; and as many of them are exceedingly sharp and shrewd, they read them through and through in a very short time, and continually play upon any weaknesses they may discover in them. Several months will usually elapse before these newly appointed officers will get the prisoners under any tolerable control, and by the time they are really prepared for the proper discharge of the duties of prison officers, if they possess the ability even to reach that point, the time will have come for another general change, and they will have to retire to give place to a new set, as inexperienced and ignorant as themselves.

840. Do you think the contract system injurious to the State in a financial point of view? I do.

841. Will you state how? I think that if the labor of the convicts was carried on by the officers of the prison, the profits now realized by contractors would be earned for the State, and the prison would more than pay its way, instead of being, as now, a heavy drain upon the treasury.

842. Do you think that the contract system is injurious to the prisoners in respect to their reformation? I think it is, to a certain extent.

843. How? By introducing a large number of citizens, who serve as a medium of communication between convicts and friends



outside, and often introduce contraband articles to sell to prisoners, which tends to demoralize both them and the discipline. Also, contractors themselves have many times interfered directly with the discipline, either by insisting upon men being punished, and, occasionally, by interceding to have them excused from punishment, when they deserved it.

844. Do you think the contractors have much power in the prison? I think they have. I think there is hardly a contractor in the prison, who, if he really wanted to get rid of the keeper now in his shop, and have some other put in his place, could not, in same way, effect his purpose.

ERIE COUNTY PENITENTIARY, }  
TUESDAY, *August 28th*, 1866. }

CHARLES E. FELTON *was sworn and examined.*

[This testimony is inserted out of its natural place, owing to the fact that the last answer was not received till some time after the above date, when Mr. Felton's examination was commenced.]

845. Where do you reside? In Buffalo, N. Y.

846. What is your present business? I am superintendent of the Erie Co. penitentiary, and have held this office about three years and a half.

847. When did this prison go into operation? I think in May, 1845.

848. How many superintendents had there been in the institution prior to your incumbency? Three.

849. From what authority does the superintendent receive his appointment? From the board of supervisors of Erie county. This board consists of fifty members elected by the people.

850. Do political considerations enter into the appointments to this office? I think they do very largely.

851. Have the appointees to the office of superintendent of this prison always been of the same party as the majority of the board of supervisors? My impression is that they have.

852. Has the patronage of the institution been generally extended to political partisans? To the best of my knowledge and belief, such has been the case.

853. Since you have been superintendent, what has been your practice in this regard? I have never administered the institution *with an exclusive* reference to politics.

854. *What is the political status of your present subordinates?*

I have some subordinates, who are members of each party. I have never appointed any one to office, whom I did not consider qualified to discharge his duties to my satisfaction.

855. Is there any authority between the board of supervisors and the prison officers, who have any general charge and oversight of the institution? There is.

856. Who constitute the said authority, by whom are they appointed, what are their terms of office, and what their powers and duties? We have a board of commissioners, appointed by the board of supervisors, whose duties are of a supervisory character. They have power to confirm or reject the appointments of the superintendent; revise and audit the financial matters pertaining to the institution; and, when necessary, may give any orders, in writing, to the superintendent, touching the discipline, health, and police management of the institution. The appointments are given to party friends. Their term of office is three years—a single appointment being made each year. These commissioners make a monthly visit, as a board, to the institution, for inspection and the transaction of their other duties.

857. Have you any State prison offenders in this penitentiary, and are you in the habit of receiving such? We have such here and are in the habit of receiving them.

858. How is it that this class of offenders are among your inmates? Some by legislative enactment, and others by sentences of the higher courts. Those who are here by legislative enactment were sent from Sing Sing female State prison, under act of 1865. Other females have been sentenced to this institution for felonies, under said act, as are now all females, convicted, in the eighth judicial district of this State, of offences other than murder, manslaughter or arson. Male prisoners, between the ages of 16 and 21 years, under conviction of felonies, in the eighth judicial district, are also sentenced to imprisonment in this institution.

859. What number of these prisoners of each sex, are now undergoing punishment here? Thirty-two females, and thirty-seven males.

860. Of the prisoners now here, how do the sentences range? Sentences vary from those for imprisonment for non-payment of fines, which may be only for a single day, to ten years and six months.

861. How is it as to the length of the greater part of the sentences? The majority of the sentences are very short. We have 140 prisoners sent here for terms of thirty days and under.

862. Have you a large number of that class of prisoners commonly known as "revolvers?" We have. Out of 1,045 commitments last year, 521 were first imprisonments. The remainder were persons convicted twice or more—"revolvers."

863. How many times do you ever get the same person in a year? My impression is that we sometimes get them a dozen times.

864. Is it your opinion that this whole subject of sentences for crimes and misdemeanors needs careful revision? It is my opinion that the laws relating to the punishment of crime and the administration of criminal justice should be thoroughly revised.

865. What modifications would you suggest? To answer this interrogatory profitably would require more reflection than I have the time to give at present, and would necessarily call for wider latitude of argument than I feel competent to make. Properly, we should examine the whole subject of the care of mind, from infancy to age, at all times remembering that, in God's Providence, he has made no two blades of grass even alike. The causes of crime and vice are, generally, 1st, the depravity of human nature; 2d, the lack of early home culture; 3d, criminal education, by idleness, evil association, or otherwise. The work of making man better is for a generation which cannot possibly see the full fruit of its own labours, as it must be devoted to the culture of our youth. As this is the *only* field of *real* promise, it should claim, I might almost say, the entire labor of the philanthropist. To this end, school houses should be more numerous; the sexes should be entirely separated; the number of inmates under any principal should be far less than is usual in our cities; and every child should be compelled to attend regularly some school, either public or private, or parents be required to show that their offspring are receiving proper home culture. It is a principle of ethics, that you must first corrupt the mind before you can the person; hence, all nurseries of crime and vice should be destroyed. This necessarily closes all drinking and gambling haunts, houses of prostitution, &c. Without this aid, a Prison Association can be of very little use in the reform of convicts. Additional juvenile reformatories should be established. The laws authorize common councils to create them, but they *neglect to do so*, as the political effect of such action might be *disadvantageous*. County jails should be so constructed that no

communication could possibly be had between fellow prisoners. The contaminating influence of association would thereby be avoided, and the effect which solitary confinement might have upon the mind would be gained. Short-time prisoners should be sentenced to such jails for the reason, first, that the effect of solitary confinement upon the person imprisoned would be better; secondly, their labor is of no material value; and, thirdly, their presence in the work-shops of the larger prisons destroys the hope of good discipline, and renders nugatory all effort towards the reform of long-time convicts. All prison officers should receive salaries instead of fees from the Government, and be prohibited from selling anything to, or buying anything of or for a prisoner, or receiving a present from him of any kind. State law should determine what a prisoner should have, and this should be furnished by the Government. The Auburn or separate system of imprisonment, is subject to less objection for long-time convicts, than is the solitary system. But the greatest care in the selection of officers and keepers and outside employes or instructors is absolutely necessary, or both the prisoner and instructor will be injured by the contact. To this end the warden must have sole control of appointments, and the granting of employment to all. With this power must fall the principal objection to contract labor in prisons. Prisons containing from 500 to 1,200 souls cannot be properly managed by a single mind; hence, I recommend increasing the number of State prisons, and not adding to the capacity of those now constructed. They should be scattered over the State to accommodate its necessities most readily. If labor be under contract, the law should clothe the warden with much power over the contractor. If the government takes charge of its own labor, the motive should be the instruction of the convict in some useful branch of industry, and not merely adding to income. Generally speaking, a person peculiarly fitted for the successful financial management of any particular business might, and ordinarily would be, unfitted to the care of human minds. If reform be the design of imprisonment, industrial pursuits must be but a part of the required education. But with the people, he is the most worthy manager who shows the most favorable financial balance sheet. In State prisons and penitentiaries, the laws should empower the warden to make all appointments, subject to the confirmation of inspectors or local commissioners. The power of removal should be with

him also. A uniform system of prison rules should be established by law, with a system of punishments, the infliction of which, should be under the discretion of the warden, no other to be tolerated. Christian worship should be daily observed, at which all keepers and prisoners should be present. The visitation of friends should be unfrequent, and the indiscriminate rush of visitors should be prohibited, and no one should be permitted to go through the prison or workshop, whom it would be proper to charge for so doing. A much more thorough classification of prisoners than at present is needed. The vicious, and those of low habits only, should be separated from the highly criminal. The man whose only offense is that of getting drunk, should not be an inmate of the same prison with the highwayman; nor indeed is he now, except in our penitentiaries. Persons under second or after conviction for any offense, should be returned for sufficient time to secure their reform, if reform be possible; if not possible, then for sufficient time to recompense society partially for their crimes. The passage of a law authorizing additional punishment upon second or after conviction for any offense of the same kind, would be salutary. I think that, while our prison system should be more reformatory, it should also be more penal; but still, with any long sentenced convicts, the authorities might grant rewards for good conduct, in the shape of privileges. Overwork is generally objectionable. A good day's work should be required, and the prisoner might, with benefit to discipline, be permitted to earn, by *good conduct*, not only commutation allowance in time, but also money, to be paid similar to the practice in Irish prisons, in installments. The effect of too frequent change of prison officers is unmistakably bad, and appointment for political reasons solely, is decidedly objectionable. A competent keeper will rule almost solely by his superior moral power, and seldom finds it necessary to use physical force. A force of competent keepers should never be compelled to give place to those as yet untried.

November 1, 1866.

Dr. J. D. BUTTON, of Auburn State prison, was further examined as follows:

866. Have you any further suggestions to offer with reference to an improved system of prison government and discipline? The *constant change* in the board of inspectors and all their appointees *is fatal to the successful administration* of any system of prison

government and discipline, and while this rule prevails no improvement can be made. Fitness alone should secure appointments, and the want of it be the only cause of removal. With this rule adopted, the convicts should be classified. About 90 out of every 100 of the convicts here, are naturally peaceable and well behaved; the other ten per cent are bad; and being mixed with all the others, this small number, like the contagion of disease, contaminates the whole. All insubordination and violation of rules originates with, and is chargeable either directly or indirectly to them. They should be separated from the rest and from each other, and be placed in solitary confinement, with dress, food and bed of the plainest quality and smallest quantity, consistent with health and the laws of humanity. They should have sufficient room and light to enable them to work, so that by faithful labor and good conduct, they may earn better fare, and such other favors as their improvement and behavior merits. This should form a first class, and all, as they enter prison, might profitably serve a short probation in it, giving them time for reflection, and, as a first lesson, teaching them that "the way of the transgressor is hard," and that a better condition can only be obtained as it is earned by faithful labor and obedience. This would also afford opportunity for the prison officers to learn the history and character of each prisoner, so that a proper classification could be made. All who violate rules should also be placed in this class for punishment; solitary confinement, with a choice of work or starvation, will subdue any sane, healthy man more effectually than the yoke, shower bath or dungeon, and with much less injury to health. For this class, suitable cells or rooms would have to be constructed, and such work as was consistent with their condition provided. They should be entirely secluded from all other convicts, and have no intercourse with each other. A further classification would require the abandonment of the contract system, and perhaps would not be advisable until this class was separated and provided for; but this measure could not fail to improve every interest of the prison. With this class separated, and this method of punishment adopted, the better class of convicts could be governed with one-half the number of keepers, and, with the contract system abandoned, these keepers could act as foremen and superintend the labor, and thus decrease the expenditures. They should be so classed, that each grade and *degree of crime* should have a corresponding grade and degree of



penalty, or the character of the class, in privileges and condition, should in some measure correspond to the character and quality of the criminal. Each class should be kept entirely separate from the others, and differ in dress and general treatment. The hardened criminal should not be placed in contact with the young offender. In other words, the prison should not be made a school of crime, but the leading idea should be the reformation of the convict, or, at least, that he should be made no worse. Such is the general plan which my experience here leads me to believe might be successfully adopted. I will not attempt to give full details. The present system has been in practical operation a long time, and it would be unwise to change it, in any particular, without a reasonable certainty of improvement. It is, as well managed now as it can be under the present rule of electing and appointing officers, and the results in lessening crime and reforming convicts are as favorable as can reasonably be expected from its organization. If hospitals and lunatic asylums were organized and conducted with no better adaptation to the cure of disease, than prisons are to reform criminals, the cures of the former would correspond to the reformations of the latter. All forms of disease, congregated in a room and treated with one remedy, would not be favorable to the cure of any; the mild cases would be exposed to the contagion of the worst, and the simple forms of disease would become malignant from the contaminated atmosphere of the whole. This is as true of moral as of physical disease. A convict (as well as society) is fortunate if he leaves the prison no worse than when he entered it. Each patient, whether he be laboring under physical, mental or moral disease, should have treatment designed and adapted to cure or relieve. The *pathology* of crime should be as well understood as that of disease, and the proper treatment administered in each case. Every criminal should be made to feel that crime and penalty are inseparable, and, so far as can be, he should experience that in prison. From my experience of the working of the present prison system, and my knowledge of the character of convicts, I have no doubt that the prisons can be so organized and administered as to lessen crime, reform a large proportion of the convicts, and very greatly decrease the expenditures.

November 7, 1866.

MORGAN AUGSBURY, *agent and warden of Auburn State prison,*  
*was further examined as follows:*

867. Has anything occurred since your examination in August which shows the tendency of the contract system to interfere with the regulations and due order of the prison? There has.

868. Will you state, in detail, the occurrence to which you refer? Among many others, we have a rule that convicts may write letters once in three months (unless they have special permission, which is frequently granted, to do so oftener). Hence, when an opportunity presents itself whereby they can be furnished with writing material, and have their correspondence carried out of and into prison surreptitiously, they often avail themselves thereof. For some time I had had my suspicion aroused through the intimations of some convicts, that a certain foreman in the cabinet shop was carrying out from and bringing into prison letters for convicts, and charging them the extortionate price of thirty cents each, the money being obtained through the correspondents of the convicts. How long this system of underground mail might have been continued, I am unable to say, if it had not been for a series of speculations indulged in by this post-route agent. Not content with the high rate of postage charged on his line, he resolved to retain a portion of the money received in these letters and appropriate it to his own use, which finally resulted in his detection and summary dismissal. To show the difficulty experienced in collecting facts, it must be borne in mind that a convict's word, criminating a citizen foreman or contractor, is not taken into consideration, that the evidence in itself must be conclusive, and that whatever the convict may say is merely corroborative. This makes it necessary to act with extreme caution. In the present case, I first examined a pardoned convict, after his discharge, as to the truthfulness of the report concerning this foreman. After much hesitation, he informed me it was true; that he himself had had letters carried out and brought in by him; and that he had been victimized to the tune of ten dollars, as he verily believed. He said that this foreman had long been in the practice of carrying letters and was doing so nearly every day, and that he came near having difficulty with a convict, from whom he had detained five dollars. He gave me the name of this convict, and referred me to him for further information. As soon as I could give the matter attention, I called up the convict referred to, and gave him an examination.

At first, he denied all knowledge of any such mail route ; but when I gave him to understand that I knew all about it, and mentioned the difficulty he himself had had with him about five dollars, he confessed, and related the following circumstance. He said that about two weeks before he had received a letter from his mother through the chaplain's office, which stated that at a certain previous period she had sent him five dollars in a letter addressed to this foreman, in answer to a letter received through the same source. When accused, the foreman denied having received any letter containing five dollars, and said that there must be some mistake about it ; he would call at the post office and enquire ; it was possible that the letter had been delayed, &c. This satisfied the convict for the time, but not hearing from the foreman in what he thought a reasonable time, he called upon him again, when he replied that he did not think the letter had been mailed ; at all events, he had not received the five dollars. He told the convict that he desired to have no further conversation about the matter, and that if he approached him again upon the subject, he would report him to his keeper for insolence. This reply irritated the convict, who threatened that unless the money was produced that afternoon, "he would take it out of his hide." This had the desired effect, and the foreman promised to bring it on returning from dinner, which he did, and thus satisfied the claim of the convict. Being satisfied that unless some immediate action was taken, serious results might ensue, I determined to act upon convict communication in the premises, and abide the result. Therefore, I gave said convict writing material, and requested him to write a letter and attempt to send it out by the foreman, ascertaining, if possible, how many other letters would be taken at the same time, and at what time of day the foreman would probably take them out. This conversation with the convict occurred on Thursday, and on Monday morning following, I again called said convict to enquire how matters progressed. He reported that he and five others had written, and that the letters were then in the possession of the foreman, and that he intended to take them out when he went to dinner. Acting upon this (considered) slight information, I requested a guard to attend in my office, and I called in the foreman, as he was passing through the hall on his way to dinner. Addressing him, I said that I wanted the letters he had in his pockets. He said that he had no letters, and if I *doubted his word*, I might examine his pockets, and, suiting the

action to the word, he commenced turning inside out all the pockets in his coat, pants and yest. I suggested that he might have them in his boots. He pulled both boots and stockings off, and still no letters. I began to think that I had made a mistake, and was probably acting hastily. This the foreman evidently saw in my manner, and, willing to take advantage of any doubt that might have arisen in my mind, he said that this matter had been carried far enough ; that he had been falsely accused, all summer, of taking out letters and trading with convicts ; that he might as well leave his employer now as any time ; and that as for being abused in this manner, it was more than he would endure, &c., &c. Meanwhile, the guard, being suspicious that there might possibly be an inside pocket in his vest, requested him to open it, in doing which he exercised more strength than necessary, as the shirt and vest buttons, broken from their fastenings, bore witness. This violence of his renewed my assurance, and I pursued the examination with more deliberation. I was rewarded at last by finding six letters stowed away in a pocket made for the purpose, near the back and on the inside of the vest. I think I never saw a more pitiable, dejected, forlorn-looking man than he, when the evidence of his guilt was found upon him, and placed in my hands. Giving him to understand that his presence in the prison would no longer be tolerated, I dismissed him with the injunction never to show his face inside the prison gate again.

## STATISTICS OF COMMON JAILS. .

On the subject of jail returns, a statement is made in the report of the Executive Committee, which need not be now repeated. It was therein declared that such jail returns as the Secretary of State might have collected under the law referred to, would be given in tabulated form as one of the documents of this, our annual publication. On examining the tables, as compiled and arranged in the Secretary's office, it was found that they would fill some hundreds of printed pages. Their publication in this report, unabridged, was, therefore, not to be thought of; and to rearrange and condense them would have been the labor of months. As a consequence, it is quite impossible to redeem our pledge; and, as no inspection of common jails was made last year, owing to the time consumed in examining and taking testimony on the State prisons and penitentiaries, we regret that no information in regard to these institutions can be communicated the present year, beyond what is contained in the report of local committees.

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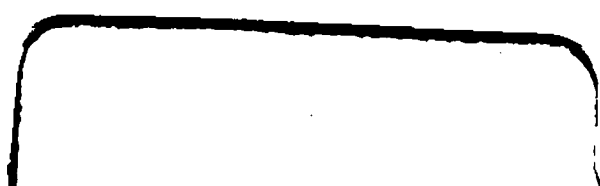
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